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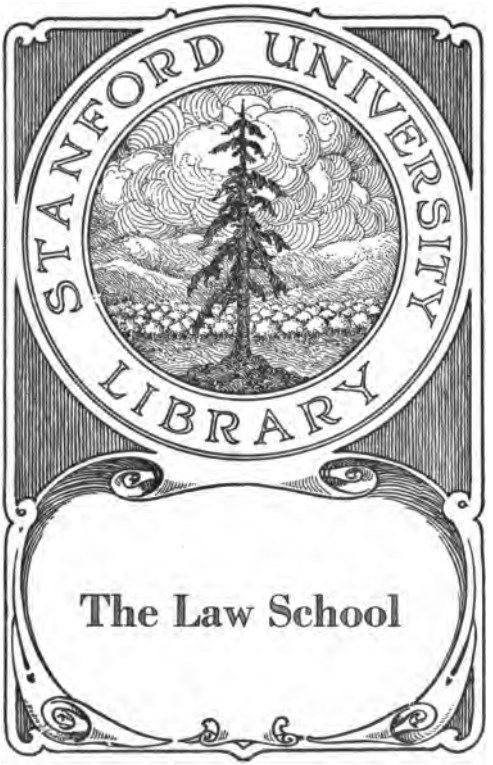

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ACTS

OF

A GENERAL NATURE,

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OF THE

THIRTY-THIRD GENERAL ASSEMBLY

OF

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GENERAL LAWS.

AN ACT

To regulate the times of holding the Judicial Courts.

Sec. 1. *Be it enacted by the General Assembly, of the State of Ohio*, That the Supreme Court shall be holden in the several counties at the times hereinafter mentioned, to wit: In the county of Pike, on the sixth day of April; in the county of Jackson, on the eighth day of April; in the county of Gallia, on the tenth day of April; in the county of Lawrence, on the thirteenth day of April; in the county of Scioto, on the fifteenth day of April; in the county of Adams, on the eighteenth day of April; in the county of Brown, on the twenty-second day of April; in the county of Clermont, on the twenty-seventh day of April; in the county of Hamilton, on the first day of May; in the county of Butler, on the third day of June; in the county of Warren, on the fifth day of June; in the county of Clinton, on the eighth day of June; in the county of Highland, on the twelfth day of June; in the county of Fayette, on the fifteenth day of June; in the county of Green, on the eighteenth day of June; in the county of Montgomery, on the twenty-second day of June; in the county of Preble, on the twenty-ninth day of June; in the county of Dark, on the first day of July; in the county of Miami, on the third day of July; in the county of Mercer, on the sixth day of July; in the county of Allen, on the seventh day of July; in the county of Shelby, on the eighth day of July; in the county of Hardin, on the ninth day of July; in the county of Logan, on the tenth day of July; in the county of Champaign, on the thirteenth day of July; in the county of Clark, on the seventeenth day of July; in the county of Madison, on the twenty-first day of July; in the county of Union, on the twenty-third day of July; in the county of Delaware, on the twenty-seventh day of July; in the county of Marion, on the thirtieth day of July; in the county of Crawford, on the first day of August; in the county of Seneca, on the third day of August; in the county of Hancock, on the fifth day of August; in the county of Williams, on the sixth day of August; in the county of Wood, on the eighth day of August; in the county of Sandusky, on the tenth day of August; in the county of Huron,

Times of holding the Supreme Court.

on the twelfth day of August; in the county of Lorain, on the seventeenth day of August; in the county of Cuyahoga, on the eighteenth day of August; in the county of Geauga, on the twenty-fourth day of August; in the county of Ashtabula, on the thirty-first day of August; in the county of Trumbull, on the fourth day of September; in the county of Portage, on the tenth day of September; in the county of Medina, on the fourteenth day of September; in the county of Wayne, on the sixteenth day of September; in the county of Holmes, on the eighteenth day of September; in the county of Richland, on the twenty-first day of September; in the county of Knox, on the twenty-fifth day of September; in the county of Licking, on the twenty-eighth day of September; in the county of Coshocton, on the second day of October; in the county of Tuscarawas, on the fifth day of October; in the county of Carroll, on the seventh day of October; in the county of Stark, on the ninth day of October; in the county of Columbiana, on the twelfth day of October; in the county of Jefferson, on the fifteenth day of October; in the county of Harrison, on the nineteenth day of October; in the county of Belmont, on the twenty-second day of October; in the county of Monroe, on the twenty-sixth day of October; in the county of Guernsey, on the twenty-eighth day of October; in the county of Muskingum, on the thirtieth day of October; in the county of Morgan, on the fourth day of November; in the county of Washington, on the sixth day of November; in the county of Meigs, on the ninth day of November; in the county of Athens, on the eleventh day of November; in the county of Hocking, on the thirteenth day of November; in the county of Perry, on the sixteenth day of November; in the county of Fairfield, on the eighteenth day of November; in the county of Ross, on the twenty-third day of November; in the county of Pickaway, on the thirtieth day of November; in the county of Franklin, on the fourth day of December; and the Court in Bank shall commence and be holden on the seventh day of December.

Court in bank when holden.

Sec. 2. That the Courts of Common Pleas in the first circuit, shall commence and be holden as follows, to wit: In the county of Montgomery, on the twenty-third day of February, on the thirteenth day of July, and on the twenty-first day of September; in the county of Preble, on the thirtieth day of March, on the third day of August, and on the twelfth day of October; in the county of Miami, on the sixth day of April, on the tenth day of August, and on the nineteenth day of October; in the county of Shelby, on the twentieth day of April, on the twenty-fourth day of August, and on the second day of November; in the county of Allen, on the twenty-seventh day of April, and on the ninth day of November; in the county of Putnam, on the thirtieth day of April, and on the twelfth day of November; in the county of Mercer, on the fourth day

1st. Circuit.

Times of holding courts therein.

of May, and on the sixteenth day of November; in the county of Dark, on the eleventh day of May, the thirty-first day of August, and on the twenty-third day of November.

Sec. 3. That the Courts of Common Pleas in the second circuit, shall be holden as follows, to wit: In the county of Seneca, on the second day of March, the twenty-fifth day of May, and the twenty-first day of September; in the county of Marion, on the ninth day of March, the twenty-ninth day of June, and the twenty-sixth day of October; in the county of Crawford, on the sixteenth day of March, and on the thirty-first day of August; in the county of Huron, on the twenty-third day of March, the first day of June, and on the second day of November; in the county of Hancock, on the thirteenth day of April, and on the twenty-eighth day of September; in the county of Williams, on the twentieth day of April, and on the fifth day of October; in the county of Henry, on the twenty-third day of April, and on the eighth day of October; in the county of Wood, on the twenty-seventh day of April, the twentieth day of July, and the twelfth day of October; in the county of Sandusky, on the fourth day of May, and on the nineteenth day of October.

2nd Circuit

Times of holding courts therein.

Sec. 4. That the Courts of Common Pleas in the third circuit, shall be holden as follows, to wit: In the county of Portage, on Tuesday, the third day of March, on Tuesday, the second day of June, and on Tuesday, the twenty-ninth day of September; in the county of Cuyahoga, on Tuesday, the seventeenth day of March, on Tuesday, the ninth day of June, and on Thursday, the eighth day of October; in the county of Geauga, on Tuesday, the thirty-first day of March, on Tuesday, the sixteenth day of June, and on Tuesday, the twentieth day of October; in the county of Ashtabula, on Tuesday, the fourteenth day of April, on Tuesday, the twenty-third day of June, and on Tuesday, the twenty-third day of November; and in the county of Trumbull, on Tuesday, the twenty-eighth day of April, on Tuesday, the thirtieth day of June, and on Tuesday the tenth day of November.

3d Circuit.

Times of holding courts therein.

Sec. 5. That the Courts of Common Pleas in the fourth circuit, shall be holden as follows, to wit: In the county of Belmont, on the third Monday in March, the third Monday in June, and on the third Monday in September; in the county of Monroe, on the fourth Wednesday in March, the fifth Monday in June, and on the fourth Monday in September; in the county of Guernsey, on the fifth Monday in March, on the first Monday in July, and on the first Monday in October; in the county of Licking, on the first Monday in April, on the second Monday in July, and on the second Monday in October; in the county of Coshocton, on the second Monday in April, on the third Monday in July, and on the third Monday in October; and in the county of Muskingum, on the third Monday in April, the fourth Monday in July, and on the second Monday in November.

4th Circuit.

Times of holding courts therein.

5th Circuit.

Times of holding courts therein.

Sec. 6. That the Courts of Common Pleas in the fifth circuit, shall be holden as follows, to wit: in the county of Harrison, on the thirtieth day of March, the twenty-second day of June, and the twenty-sixth day of October; in the county of Tuscarawas, on the sixth day of April, the third day of August, and the second day of November; in the county of Stark, on the thirteenth day of April, the tenth day of August, and the ninth day of November; in the county of Carrol, on the twenty-first day of April, the eighteenth day of August, and the seventeenth day of November; in the county of Columbiana, on the fourth day of May, the twenty-fourth day of August, and the twenty-third day of November; in the county of Jefferson, on the eighteenth day of May, the seventh day of September, and the thirtieth day of November.

6th Circuit.

Times of holding courts therein.

Sec. 7. That the Courts of Common Pleas in the sixth circuit, shall be holden as follows, to wit: In the county of Fairfield, on the twenty-third day of February, the first day of June, and the fourteenth day of September; in the county of Hocking, on the sixth day of March, the twelfth day of June, and the twenty-fifth day of September; in the county of Perry, on the ninth day of March, the fifteenth day of June, and twenty-eighth day of September; in the county of Ross, on the sixteenth day of March, the twenty-second day of June, and the fifth day of October; in the county of Pike, on the thirtieth day of March, the sixth day of July, and the twenty-sixth day of October; in the county of Jackson, on the thirteenth day of April, the thirteenth day of July, and the nineteenth day of October; in the county of Pickaway, on the twentieth day of April, the twentieth day of July, and the second day of November.

7th Circuit.

Times of holding courts therein.

Sec. 8. That the Courts of Common Pleas in the seventh circuit, shall be holden as follows, to wit: In the county of Warren, on the fourth Monday of February, the third Monday of May, and the second Monday of September; in the county of Butler, on the third Monday of March, the fourth Monday of July, and the first Monday of November; in the county of Clinton, on the first Monday of April, the second Monday of July, and the third Monday of October; and in the county of Green, on the third Monday of April, the third Monday of August, and the fourth Monday of November.

8th Circuit.

Times of holding courts therein.

Sec. 9. That the Courts of Common Pleas in the eighth circuit, shall be holden as follows, to wit: In the county of Athens, on the third Monday of February, the fourth Monday of May, and the first Monday of October; in the county of Morgan, on the fourth Monday of February, the first Monday of June, and the second Monday of October; in the county of Washington, on the first Monday of March, the second Monday of June, and the third Monday of October; in the county of Meigs, on the second Monday of March, the third Monday of June, and the fourth Monday of October;

in the county of Gallia, on the third Monday of March, the fourth Monday of June, and the first Monday of November; in the county of Lawrence, on the fifth Monday of March, the fifth Monday of June, and the fourth Monday of November; in the county of Scioto, on the third Monday of April, the third Monday of July, and the fifth Monday of November.

10th Circuit.

Times of holding courts therein.

Sec. 10. That the Courts of Common Pleas in the tenth circuit, shall be holden as follows, to wit: In the county of Fayette, on the first Monday of March, the third Monday of July, and the fourth Monday of September; in the county of Highland, on the second Monday of March, fourth Monday of July, and the first Monday of October; in the county of Adams, on the fourth Monday of March, second Monday of August, and the fourth Monday of October; in the county of Brown, on the fifth Monday of March, the fourth Monday of August, and the first Monday of November; in the county of Clermont on the first Monday of May, the first Monday of September, and the fourth Monday of November.

11th Circuit.

Times of holding courts therein.

Sec. 11. That the Courts of Common Pleas in the eleventh circuit, shall be holden as follows, to wit: In Richland county, the third Monday of February, third Monday of May, and third Monday of November; in Knox county, the second Monday in March, the first Monday in June, and first Monday in October; in Holmes county, the third Monday in March, fifth Monday in June, and second Monday in October; in Wayne county, the fourth Monday of March, the first Monday of July, and third Monday of October; in Medina county, the fifth Monday in March, third Monday in June, and fourth Monday in October; in Lorain county, the first Tuesday in April, the fourth Monday in June, and first Monday in November.

12th Circuit

Times of holding courts therein.

Sec. 12. That the Courts of Common Pleas in the twelfth circuit, shall be holden as follows, to wit: In the county of Franklin, on the sixteenth day of February, the fourth day of May, and the twenty-fourth day of September; in the county of Clark, on the sixteenth day of March, the eighteenth day of May, and the fourteenth day of September; in the county of Champaign, on the twenty-third day of March, the twenty-fifth day of May, and the seventh day of October; in the county of Logan, on the thirtieth day of March, the first day of June, and the fourteenth day of October; in the county of Madison, on the eleventh day of March, the fourteenth day of May, and the twenty-first day of September; in the county of Delaware, on the second day of March, the tenth day of June, and the ninth day of November; in the county of Union, on the ninth day of March, the eighth day of June, and the twenty-second day of October; and in the county of Hardin, on the fifth day of June, and the nineteenth day of October.

Occurring on Sunday.

Sec. 13. That if any of the days fixed upon by this act, for the commencement of a term, either of the Supreme Court, or of any of the Courts of Common Pleas, should be on the first day of the week, said term shall commence on the next succeeding day.

Special Venire may issue.

Sec. 14. That the Clerk of the Court of Common Pleas in any county in this State, wherein the Court of Common Pleas is appointed to be holden, and where there is not sufficient time to draw jurors, and issue writs of *venire facias*, as is now required by law, shall, in the presence of the Sheriff, as is required in the fourth section of the act relating to juries, draw the jurors, and thereupon issue such writs, at any time before the sitting of such Court; and the Court when met, may order such writs returnable forthwith; and the Sheriff of any such county, when receiving such writs, shall serve the same, and make return thereof, agreeably to the commands of such writ; and such service and return shall be as valid in law, as if such writ had been issued thirty days previous to the sitting of said Court, and had been served ten days previous thereto: *Provided*, That all writs and process heretofore issued, shall be returnable, and all causes pending, shall be continued to the next term of the several Courts, as provided for in this act.

Proviso.

Repealing clause.

Sec. 15. That the act to regulate the times of holding Judical Courts, passed February 5, 1834, except the tenth section thereof, and the acts supplementary thereto, passed February 20th, 1834, and March 3d, 1834, be, and the same are hereby repealed.

Sec. 16. That persons necessarily attending Court on the second Tuesday of October, shall have the same right to vote in the township in which the Court is held, that they would have in their respective townships: *Provided*, Such persons are qualified voters of the county.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 27, 1835.

AN ACT

To authorize County Recorders to transcribe records in certain cases.

Transcripts of Records from adjacent co'nties, authorize.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Recorders of the several counties in this State, be, and they are hereby, authorized and empowered, in case the work be directed by order of the County Commissioners of the respective counties, to transcribe from the records

of other counties within this State, into suitable books, by them to be provided for that purpose, all deeds, mortgages, powers of attorney, and other instruments of writing for the sale, conveyance, or incumbrance of lands, tenements, and hereditaments, lying and situate in the several counties aforesaid, and that the same be placed among the records of the several counties aforesaid, and made a part thereof and have the same validity and legal effect as other records of instruments of a like kind, recorded in the several counties aforesaid.

ized in certain cases.

Their legal effect.

Sec. 2. That after all such deeds, mortgages, powers of attorney, and other instruments of writing shall have been transcribed and placed among the other records of the several counties aforesaid, as in the first section of this act provided, copies thereof duly certified by the Recorder of the proper county, with his official seal attached thereto, shall be received in evidence in the same manner and shall have the same force and effect as by law is given to copies of other records of deeds, mortgages, powers of attorney and other instruments of writing.

Certified copies under official seal made evidence.

Sec. 3. That the Recorders of the several counties aforesaid, be, and they are hereby authorized to provide suitable books, and make a new and complete general index to all the records in the Recorder's offices of their respective counties, and the Recorders aforesaid shall be allowed and receive for their services to be performed under this act such compensation as the commissioners of the respective counties may deem reasonable and just; which compensation shall be paid on the order of the commissioners aforesaid out of the Treasury of their proper county, and the Recorders of the several counties from which transcripts of records shall be taken under the provisions of this act, shall also receive a reasonable compensation for the trouble and inconvenience, caused them by the copying of their records, to be determined and paid in like manner with the compensation of the transcribing Recorders; and they shall moreover have the superintendence and direction of the work in their respective counties, so far as the protection and safe keeping of their records are concerned, but not to the lessening of the responsibility of the transcribing Recorders, for the correctness of the copies taken by them.

Recorders to procure books and revise their general index.

Receivers compensation

Sec. 4. That nothing contained in this act, shall be so construed as to prevent copies from the original records from being received in evidence as is now provided by law.

Proviso.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

January 30, 1835.

AN ACT

Supplementary to the act to regulate the time of holding the Judicial Courts, passed January 27, 1835.

Special term in Crawford county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be a term of the Court of Common Pleas held in the county of Crawford, in the second circuit, commencing on the tenth day of February, eighteen hundred and thirty-five, in addition to the terms and the times mentioned in the act to which this is supplementary; and the clerk of said court, shall issue a writ or writs of *venire facias* as is now required by law, and it shall be lawful to issue such writs at any time before the sitting of such court, or the court when met may order such writs returnable forthwith.

Venire facias when and how issued.

Duty of Sheriff on receiving such writ.

Sec. 2. That the Sheriff of the county of Crawford, upon receiving such writs, shall serve the same and make return thereof agreeably to the commands of such writ, and such service and return shall be as valid in law, as if such writ had been issued thirty days previous to the sitting of said court, and had been served ten days previous thereto.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 5, 1835.

AN ACT

To repeal the act to provide for the inspection of Salt, passed 3d March, 1834.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act to provide for the inspection of Salt, passed the third day of March, A. D. eighteen hundred and thirty-four, be, and the same is hereby repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 12, 1835.

AN ACT

To amend the act entitled "An act granting Licenses and regulating Taverns."

Permitting ri-

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any licensed tavern keeper shall permit, or allow

any kind of rioting or revelling, intoxication or drunkenness in his or her house, or on his or her premises; every such tavern keeper shall, for every such offence, forfeit and pay for the use of the proper county, a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered with costs on the indictment of the grand jury in the Court of Common Pleas, of the county in which the offence shall have been committed: and the license of such tavern keeper shall thereupon be forfeited, and the court shall not re-license such tavern keeper for the space of one year thereafter. oting or drunkenness. How punished License forfeited.

Sec. 2. That the penalty imposed in the fifteenth section of the act entitled "An act granting licenses and regulating taverns," passed March 3, 1831, for the violation of any of the provisions in said section contained, shall, on complaint, duly made be recovered with costs in the name of the State of Ohio, before any Justice of the Peace of the proper county, or before any Mayor or other judicial officer of the proper town or borough, as well as by indictment in the Court of Common Pleas. Prosecution may in certain cases be commenced before justice, &c.

Sec. 3. From any judgment rendered in such case, by any Justice of the Peace, Mayor, or other judicial officer, an appeal may be taken to the Court of Common Pleas, as in other cases. Appeal allowed.

Sec. 4. That the twelfth section of the act entitled An act granting licenses and regulating taverns, passed March 3, 1831, be and the same is hereby repealed. Repealing clause.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 17, 1835.

AN ACT

Exempting lands appropriated as Burial Grounds from certain liabilities.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That lands appropriated and set apart as burial grounds, either for public or private use, and so recorded in the Recorder's office of the county where such lands are situated, or any burial ground that may have been used as such for fifteen years, shall not be subject to sale on execution on any judgment to be hereafter recovered, to taxation, to dower, nor to compulsory partition, *Provided*: That the lands so appropriated, and so set apart as a private burial ground, shall not exceed in value the sum of fifty dollars.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 17, 1835

AN ACT

To amend an act entitled "An act to provide for the sale of Lands, forfeited to the State, for the non-payment of Taxes."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the amount of taxes, interest, and penalty, the refunding of which, in certain cases, is provided for in the ninth section of an act; entitled An act to provide for the sale of lands, forfeited to the State, for the non-payment of taxes, shall be paid to the person, or persons, entitled thereto, by the provisions of the section, aforesaid, before such person or persons, shall be evicted or turned out of possession, by any claimant, recovering by action the lands sold for taxes, under the provisions of the act aforesaid.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 17, 1835.

AN ACT

Further to amend the act entitled An act to provide for the incorporation of townships, passed the 5th of March, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where a judgment has been, or hereafter may be, rendered against any township, by any Justice of the Peace or Court of record in this State, it shall be the duty of such Justice of the Peace, or clerk of the Court, wherein judgment shall have been rendered, to make out a certified abstract of such judgment, with the amount of costs accruing thereon; and the same shall be served by any constable of the township, against which such judgment shall be rendered, or by the sheriff or coroner of the county in which such township may be situated; and such service shall be by leaving an attested copy of such abstract with the clerk of the township, against which such judgment shall be rendered; and the clerk of such township shall forthwith notify the township trustees thereof: and said trustees shall draw an order on the township treasurer, in favor of such Justice or Clerk, for the amount of such judgment and costs; and it shall be the duty of the township treasurer, to pay the same, on presentment, out of the appropriate funds, if there shall be any such funds in his possession: *Provided*, That the trustees shall not be required to issue their order for the amount of any judgment, when the same shall have been appealed to a higher tribunal, until after final judgment therein.

Duty of court where judgment is rendered against township.

Duty of township trustees.

Proviso.

Sec. 2. That the first section of the act passed January 15, 1833, entitled "An act to amend the act entitled 'An act to provide for the incorporation of townships,'" passed the 5th of March, 1831, be, and the same is hereby repealed. Repealing clause.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 19, 1835.

AN ACT

To amend the act directing the mode of proceeding in Chancery.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all assignments of property hereafter made by debtors to trustees in consideration of insolvency and with design to secure one class of creditors and defraud others shall be held to ensure to the benefit of all the creditors of the assignor, in proportion to their demands, and such trusts shall be subject to the control of Chancery as in other cases, and the court, if need be, may require security of the trustees for the faithful execution of the trusts, or remove them and take the execution thereof upon itself as justice may require. Fraudulent assignment void.

Sec. 2. That after any cause in chancery shall be finally determined, the clerk shall make up in a book a complete record thereof from the process, return, petition, answer, exhibits therein referred to, pleadings, reports, decrees, orders, statement of facts found by a jury or agreed by parties, and the decree shall be examined by the presiding judge at the next term, and attested as is provided in cases of records at law. Complete record how made

Sec. 3. That the courts when necessary may require of masters in chancery, appointed by them, to give bond for the paying over moneys coming to their hands, may fix the penalty and condition of the bond and approve the security; which bond shall be given to the State of Ohio, and be preserved by the clerk for the benefit of those injured; and such bond may be sued upon as other official bonds are by persons injured. Masters in chancery to give bond when requir'd

Sec. 4. That when the complainant shall make several defendants to his petition, who reside in different counties of this State, the clerk of the court in which the same is filed, may issue suppœnas into the several counties in which said defendants are supposed to reside, directed to any proper officer therein who shall serve and return the same, and in case when the title to, or boundaries of lands, or tenements, are drawn in question in chancery, and any or all of the defendants are non-residents of the State, suits may be prosecuted in any county where the land lies; and in all cases where any or all of the Where defendants reside in different counties how served with process.

defendants are non-residents of the State, the courts shall direct the manner of giving notice to the absent defendants.

Repealing clause.

Sec. 5. That so much of the seventh, eleventh and thirty-sixth sections of the act directing the mode of proceeding in chancery, as is contrary to the provisions of this act, be, and the same is hereby repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 23, 1835.

AN ACT

To amend the act to regulate the action for Forcible Entry and Detainer, passed February 25, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions which may hereafter be brought under the "Act to regulate the action of Forcible Entry and Detainer," passed February 25, 1831, it shall be lawful for the Justices before whom the cause may be pending, to continue the same from time to time, for good cause shewn, in the same manner that continuances are allowed under the "Act defining the duties of Justices of the Peace and Constables, in civil cases:" *Provided, however*, That no cause shall be continued without consent of parties for a longer time than thirty days.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 23, 1835,

AN ACT

Making provisions for carrying into effect the acts for the punishment of Crimes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person sentenced to imprisonment agreeably to the provisions of the acts for the punishment of crimes, shall within thirty days after his or her conviction, be transported to the penitentiary of this State, by the sheriff of the county, in which such conviction may be had, and shall then be delivered into the custody of the warden of said penitentiary, together with a copy of the sentence of the court ordering such imprisonment, there to be safely kept until the term of his

Convicts to be transported to Penitentiary within 30 days

or her confinement shall have expired, or until he or she shall be pardoned by the proper authority.

Bill of costs, &c. to accompany convicts.

Sec. 2. That the costs of prosecution so far as relates to the fees of Constables, Justices, Sheriffs, Witnesses and Clerks, shall be made out by the different officers claiming the same, specifying the different items composing the costs according to the act regulating the fees of civil officers in civil and criminal cases, and the act directing the mode of trial in criminal cases, and shall be, by such persons, lodged with the clerk of the court, before which any criminal may be convicted during the term in which such conviction may be had, and the clerk shall make out under his hand and the seal of said court, a fair copy of all such charges, which shall be examined, and if correct the same shall be allowed by the presiding Judge of said court, and forwarded with such convict and delivered by the sheriff to the warden of the penitentiary; and the sheriff shall receive eight cents per mile going to and six cents per mile returning from said penitentiary, to be computed from the seat of justice of the county in which the conviction took place, and the sum of one dollar, for every twenty-five miles, for transporting and sustaining each prisoner, and one guard for each prisoner, shall also receive the same compensation per mile as the sheriff is entitled to receive; and if at any term of the court there should be more than one person convicted, it shall be the duty of the court to make an order directing the number of guards, (not exceeding one to each convict,) which in their opinion may be necessary for the safe transportation of such convict, a certificate whereof shall be made out by the clerk under the seal of the court and delivered to the sheriff; and the sheriff shall deliver the certificate to the warden of the penitentiary, who shall be governed thereby in making out his order for the transportation of such convict; and all charges made out agreeably to the provisions of this section, shall be delivered to said warden, who shall, if found correct, allow and pay the same; *Provided*, That nothing in this section contained, shall be so construed as to allow any sheriff pay for a guard who has not actually assisted in conveying the convict as aforesaid.

Delivered by sheriff to warden.

Proviso when more than one convict.

Costs paid by the warden.

Sec. 3. That the sheriffs of the several counties of this State during the time they or any of them shall be employed in conveying to the penitentiary any person or persons sentenced to imprisonment, shall have the same power and authority to secure him, her or them in any jail within the State, and to demand the assistance of any sheriff, jailer or other person within this State, in securing all such offenders, as if such sheriff was in his own proper county; and all such sheriffs, jailers, or other persons so called upon shall be liable, on refusing, to the same penalties as if called upon by the sheriff of their own proper county.

Sheriff may demand assistance, during conveyance of convicts.

Sec. 4. That every person sentenced to hard labor and imprisonment as aforesaid, shall be washed, cleansed and remain

Treatment of convicts on their arrival or discharge from prison.

in separate lodgings until it shall be certified by a physician, that he or she may be safely admitted among other prisoners; and the clothes which the said person may wear on his or her arrival at the penitentiary, shall either be burned or carefully fumigated and put away, at the discretion of the warden, and in case the said clothes are preserved they shall be restored to the owner at the expiration of the term of his or her confinement, but in case such clothes shall have been burned, destroyed or not returned, then the warden shall furnish such convict with a good suit of coarse clothes, at the time such convict is discharged from confinement; and in all cases when a prisoner is discharged, the warden shall give him or her a sum not exceeding five dollars in money.

Manner of clothing and subsisting convicts.

Sec. 5. That all offenders imprisoned as aforesaid, shall during the term of his or her confinement, be clothed at the expense of the State in garments of coarse materials, and all convicts shall be fed on coarse but wholesome food, and shall as far as may be consistent with their age, sex, health, and ability,

Labor of convicts regulated by warden

be kept at hard labor in such manner as the warden shall deem most proper and most beneficial and advantageous to the State under such rules and regulations as the directors may from time

Warden may employ instructors.

to time prescribe; and it shall be lawful for the warden, when in his opinion it may be necessary to employ suitable persons to instruct the prisoners in any work in which they may be employed, and the said prisoners shall at all times be kept separate, with

Prisoners to be kept separate.

as little intercourse with each other as the nature of their employment and the apartments of the Penitentiary will permit; and during such part of the term of his or her confinement as

Solitary confinement.

the court before whom such conviction may be had shall direct to be in the solitary cells, such prisoner shall be confined in the solitary cells at such intervals and in such manner as the warden shall deem proper; and one or more guards shall patrol said

Guards to patrol prison.

Penitentiary at least twice in every hour during the night and until the return of the hour of labor in the succeeding morning.

Houses of labor.

Sec. 6. That each convict shall be kept at work every day in the year Sundays excepted, and the hours of work shall be as many as the season of the year will permit, and when the labor of each day is finished such tools and materials as may be easily removed shall be taken to places of safety until the hour of labor shall return.

Warden may employ a clerk

Sec. 7. The warden shall have power, with the advice of the directors, to employ a clerk; whose duty it shall be to keep a fair, plain and regular account with the State, crediting the same with all moneys drawn out of the Treasury for the use of the penitentiary and with all moneys received for the sale of manufactured articles, and charging the same with all moneys paid

Manner of keeping accounts, &c.

out on account of the institution, he shall also keep a regular account of all purchases made by the warden for the use of the institution, and of the amount of the sales of manufactured

and all other articles; and also of the name, age and general description of each prisoner, and the crime for which he has been convicted, together with any confession he or she may make, as well as every circumstance connected with his or her case, as may be deemed of importance: *Provided*, That the salary allowed such clerk shall not exceed five hundred dollars per annum.

Name, age and description of prisoner recorded.

Salary of clk.

Sec. 8. That the warden shall open an account with each and every county within this State, and enter the costs of conviction and transportation of all convicts, under the head of the county from which they are sent; and he shall, moreover, keep all the vouchers properly receipted, in support of each and every charge, and file them in progression and numerical order; and the numbers of the vouchers shall correspond with the entry numbered on the journals of accounts to be kept; and at the expiration of each fiscal year, the vouchers of that year shall be filed and labelled, (with the proper year written on the outside,) and the whole carefully preserved: and it shall be the duty of the directors to examine, settle, and report the same, in the same manner as the other accounts of the institution are examined, settled, and reported.

Account to be opened with each county.

Manner of keeping & settling same.

Sec. 9. That the warden, with the advice of the directors, shall employ a skilful physician, and an assistant if necessary, by the year, or for any less time, to attend upon the convicts, when in his opinion it may be necessary: *Provided*, The compensation paid such physician for attendance and medicine, shall not exceed two hundred dollars per annum.

Warden to employ a physician.

Sec. 10. That the auditor shall keep a regular account with the warden of the penitentiary—charging him with all moneys paid on account of the institution, and crediting him by all moneys paid into the treasury, on the production of the treasurer's receipts for said payments. And it shall be the duty of the auditor to make out an abstract of all such accounts up to the 15th of November annually, and report the same to the General Assembly on the first Monday of December annually.

Auditor to keep account with the warden, and report thereon.

Sec. 11. That the books of the warden and clerk shall be open at all times for the inspection of the directors of the penitentiary; and abstracts of the books, certified under the hand and seal of either of the said directors, shall be good evidence in suit against the clerk or warden, or his securities.

Books of warden subject to inspection of directors.

Certified under, &c. made evidence.

Sec. 12. That no vinous, spirituous or fermented liquors, (except such as may be prescribed by attending physicians for any convict in ill health,) tobacco, snuff or cigars, shall be introduced, given, bartered or sold to any of the convicts, within the penitentiary; and any person so offending against the provisions of this section, shall forfeit and pay a sum not exceeding fifty dollars, to be recovered in an action of debt, at the suit of the warden, before any court of competent jurisdiction: to be applied to the use of the institution.

Liquors & tobacco prohibited.

Penalty for violating, &c.

Laws regulating intercourse with prisoners to be published in prison.

Sec. 13. That it shall be the duty of the directors to cause to be placed in some conspicuous situation about the prison, so much of the laws of this State and of the by-laws of the institution, as relates to the intercourse between visiters to the prison and the prisoners.

Style in process.

Sec. 14. That in all suits or prosecutions in behalf of the institution, the style shall be, "The Ohio Penitentiary *vs.* A. B."

Convicts escaping may be retaken & confined.

Sec. 15. That the warden of the penitentiary be, and he is hereby, authorized and required to arrest, and cause to be arrested, and again committed to safe keeping in the penitentiary, any and every convict who shall escape therefrom, and be found at large within the confines of this State, whether the term for which such convict has been, or shall be sentenced to imprisonment in said penitentiary, has or has not expired.

Officers required to arrest fugitive conv'ts.

Sec. 16. That it shall be the duty of all sheriffs, coroners and constables, to arrest any and every such convict, and him, her or them forthwith convey to the said penitentiary, and deliver to the warden thereof.

Their compensation.

Sec. 17. That any sheriff, constable or other person, who shall re-take and convey to the penitentiary any convict who may have escaped therefrom, shall be allowed eight cents per mile going to and returning from the penitentiary, and such additional compensation as the warden may deem reasonable for the necessary expense incurred.

Infirmary to be establish'd.

Sec. 18. That one or more apartments in the penitentiary shall be prepared for an infirmary; and whenever any convict shall be considered by the attending physician so unwell as to require removal from work or solitary confinement, he or she shall be placed in the infirmary, there to remain until the physician shall report to the warden that such convict is in a proper condition to be removed from said infirmary: the said warden shall then order him or her back to their former labor or cell.

Warden to furnish each convict with a bible.

Sec. 19. That the warden shall furnish each convict with a bible, and shall permit, as often as he may think proper, regular ministers of the gospel to preach to such convicts.

Warden may appoint deputy.

Sec. 20. That the warden of the said institution, with the advice and consent of the directors, be, and he is hereby, authorized to appoint a deputy warden, if necessary; whose duties shall be assigned him by said warden, and who shall, when appointed, give such bond and security as may be required and approved by the directors of said institution, and who shall receive a salary per annum of not more than five hundred dollars, payable in the same way and manner that the salaries of other officers of said institution are paid; and the other assistants employed by the warden, shall receive for their services a compensation not exceeding thirty dollars per month.

His salary.

Sec. 21. That the said warden be, and he is hereby, au-

thorized to purchase, at such times as he may deem proper, such medicines as may be necessary for the convicts of said penitentiary; to be paid for out of such money or moneys as may be appropriated to the use of said institution. And also, that the said warden and directors be, and they are hereby, authorized to employ a minister of the gospel, who shall discharge the duties of chaplain and teacher to said institution, and who shall receive an annual compensation for his services of not more than four hundred dollars; to be paid as the salaries of other officers of said institution are paid.

Warden and directors may purchase medicines & employ a chaplain for the institution.

Sec. 22. That the Governor, heads of departments, and members of the General Assembly, and such other persons as the warden may think proper, shall be admitted as visiters within the walls of the Penitentiary.

Governor, &c. may visit penitentiary at their discretion.

Sec. 23. That in every case in which a new warden for the penitentiary shall be appointed, the warden whose term of office shall have expired shall deliver over to his successor quiet and peaceable possession of the penitentiary buildings, with all the property of the State in his possession, together with the convicts; and it shall be the duty of such succeeding warden to give to his predecessor a receipt for the property and convicts aforesaid: and such part of said property as may consist of raw materials and manufactured articles, shall be appraised and valued by the directors, or some other suitable persons to be appointed by said directors, and be received by the new warden at such appraisement and valuation: *Provided*, That if the directors shall appoint persons to appraise the property as herein before provided, the persons so appointed shall, before entering on the discharge of said duties, take an oath or affirmation, before some competent authority, well and truly to appraise and value the property aforesaid; and the individuals thus appointed shall receive the sum of two dollars per day for the time necessarily employed in the discharge of said duty, which account shall be credited and paid in the same manner that other moneys are paid.

Warden to deliver to his successor, & take receipt for all the convicts & property of institution.

Property to be appraised.

Appraisers' comp'nsation.

Sec. 24. That the warden of the penitentiary is hereby required to receive all criminals sentenced to the penitentiary by the authority of the United States, and to keep them at hard labor, or in solitary confinement, agreeably to the order of the court pronouncing such sentence, until legally discharged therefrom; and the warden shall certify the expense of every convict committed to his care under this section, as is required of sheriffs by the act entitled "An act for the confinement of prisoners under the authority of the United States, in the jails of this State."

Warden to receive criminals sentenced by authority U States.

Sec. 25. That if the guards employed in said penitentiary, or any of them, should, in the attempt to prevent the escape of any convict, or in attempting to retake any convict who has escaped, or in attempting to prevent or to suppress a mutiny, take the life of such convict,—such guard shall not be held

Guards slaying convicts to prevent escape, &c. not liable.

responsible therefor, unless the same was done unnecessarily and wantonly.

Sec. 26. That the act making provision for carrying into effect the acts for the punishment of crimes, passed February the twenty-sixth, one thousand eight hundred and twenty-four, and an act to amend the act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed December the thirty-first, one thousand eight hundred and twenty-seven, be, and the same is hereby repealed.

Acts repeal'd.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 26, 1835.

AN ACT

To provide against trespassing Animals, and to repeal the act upon that subject, passed February 14th, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, if any horse, mule or ass, or any neat cattle, hogs, sheep or goats, shall break into any inclosure, and the owner or occupier thereof shall consider himself or herself aggrieved thereby, the person so injured, may apply to the fence viewers of the township, who shall forthwith repair to the place where such injury was done, and there diligently examine the fence, over or through which such trespassing animal or animals broke or entered into any such inclosure: *Provided*, That it shall be the duty of the person intending to apply for damages, to notify the owner of such trespassing animals, if known, either verbally or in writing, left at his or her place of abode, of his intended application, and also, of the time the fence viewers will be on the ground to examine the fence and investigate the subject of damages.

Person sustaining injury by trespassing animals, may apply to fence viewers, &c.

Proviso.

Sec. 2. That if, in the opinion of the fence viewers, such fence is of sufficient height and strength, and in every respect such as a good husbandman ought to keep, they shall proceed, from view and inquiry, to assess the damages sustained by such applicant, from such trespassing animal or animals; which assessment, including the sum due for their services, they shall certify and deliver to the person sustaining such damages.

Damages, when awarded.

Sec. 3. That, if the owner or possessor of such trespassing animal or animals, shall refuse to pay said damages on demand, the person so injured, may deliver said certificate to a justice of the peace, who shall issue process thereon, and proceed to judgment and execution, as in other cases: *Provided*, That said certificate shall not be conclusive, but *prima facie* evidence

Owner of animals refusing to pay same, may be sued.

Proviso.

in any action to be brought thereon, of the amount of damages sustained by any person or persons from trespassing animals.

Sec. 4. That if, in the opinion of the fence viewers, the fence shall be insufficient, the person calling upon them to view and examine the same, shall pay all costs of such view and examination, to be recovered by action of debt, at the suit of such fence viewers, with costs, before any justice of the peace, in the proper township. When fence insufficient, plaintiff shall pay costs.

Sec. 5. That each of the fence viewers shall be entitled to receive seventy-five cents per day, for their services rendered under this act; and any fence viewer, who shall neglect or refuse to perform any of the duties enjoined by this act, shall be subject to pay a fine, of not more than five dollars, nor less than one dollar, for every such neglect or refusal; to be recovered by action of debt, at the suit and for the use, of the person injured by such neglect or refusal. Fees of fence viewers. Penalty for neglect of duty.

Sec. 6. That the act providing against trespassing animals, passed February 14, 1831, be, and the same is hereby repealed: this act to take effect and be in force from and after the first day of June next. Act repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 26, 1835.

AN ACT

To amend an act entitled "An act for opening and regulating Roads and Highways," passed March 14, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases wherein appeals are taken from any decision of the County Commissioners, under the act to which this is an amendment, the decision of the Court of Common Pleas, in the case removed before them by such appeal, shall be final. Appeals when taken.

Sec. 2. That no writ of *certiorari*, shall be allowed to remove any proceeding had under the act to which this is an amendment, after the lapse of one year from the time of making the final order in such proceeding by the County Commissioners. When further shall be stayed.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 3, 1835.

AN ACT

To amend an act entitled "An act prescribing the duties of County Auditors," passed March the 14th, A. D. 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the taxes charged on any land or lot be regularly paid, and such land erroneously returned delinquent and sold for taxes, the sale thereof shall be void, and the money paid by the purchaser, at such void sale, shall be refunded to him out of the county treasury, on the order of the County Auditor; and that so much of said tax as has been paid into the state treasury, shall be refunded to the county treasury; and the County Auditor shall retain the same in his next annual settlement, and charge the state treasury therewith, in said settlement.

Sec. 2. That the County Auditor, in making out a copy of the duplicate of taxes, which, by the twenty-third section of the act to which this is an amendment, he is required to do, and forward the same to the Auditor of State; in such copy, he shall not make a list of the chattel property in detail, as it stands charged on the original duplicate, but shall give an abstract of the footings of the several kinds of property, with the different taxes assessed thereon, in each township, and the aggregate amount of the whole.

Sec. 3. That so much of the act to which this is an amendment, as is contrary to the provisions of this act, be, and the same is hereby repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 3, 1835.

AN ACT

Amending the act regulating Sales at Auction..

Rates of duty on sales at auction.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all sugars, molasses, coffee, teas, spices, salt, fish, oil [and] wines, which shall, at any time, be exposed to sale of public auction, in this State, shall be subject, each and every time the same shall be struck off, to a duty at the rate of seventy-five cents for every hundred dollars, to be calculated on the sum or sums for which the before mentioned articles so exposed to sale, shall be struck off; and so much of the act regulating sales at auction, passed March 14, 1831, as levies a duty on the same articles, at the rate of one dollar and fifty cents per every hundred dollars, be, and the same is hereby repealed.

Repealing clause.

Sec. 2. That it shall be the duty of each and every County Treasurer within this State, to transmit to the State Auditor, on or before the fifteenth day of January, annually, a statement of the amount of money by him received, for auction duties, and therein specify the amount so received on each of the separate classes described in the sixth section of the act to which this is an amendment; and the amount that shall be collected and received on the articles in the first section of this act mentioned, shall be the fourth class; this act shall take effect and be in force, from and after the first day of April next. County Treasurer's duty on receipt of duties.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 4, 1835.

AN ACT

Supplementary to the several acts concerning Divorce and Alimony.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any married woman residing in any one of the United States of America, o. in any of the Territories thereof, who shall have *bona fide* resided with her husband, in the relation of man and wife, within the State of Ohio, and who may have, or shall become separated from such husband, for any of the causes which, by the laws of this State, are constituted grounds for decreeing divorce and alimony, when such separation may have taken place, or hereafter shall take place, within this State, may prosecute a suit for divorce and alimony, in like manner, as if she resided within. this State at the time of commencing and prosecuting such suit: *Provided*, That such suit be prosecuted in the county where the separation actually took place.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 4, 1835.

AN ACT

For the encouragement and protection of Live Fence.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That, whenever any owner or owners, occupier or occupiers, of any land or lands, bordering upon any public road or highway, except a street or alley, in a town or village, or

through which any public road or highway may pass, may wish to plant and cultivate any hedge or live fence along the marmin of his, her or their land, it shall be lawful for any such person or persons, to set or plant any such hedge or live fence, precisely on the line of the road or public highway; and also, to place on the margin of such road, a protection fence, not to occupy more than six feet of the margin or edge of such road; and such protection fence, when placed opposite any live fence or hedge actually set or planted, shall be permitted by the supervisors and all other persons, to remain for the term of seven years: *Provided*, That the trustees of any township may grant permission, in writing, to the owner or owners, of any hedge or live fence, to continue such protection fence, any term of time which they may deem necessary.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 5, 1835.

AN ACT

Regulating Weights and Measures

Weights and measures to be uniform.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be but one standard of measure of length and surface; one of weight; and one of measure of capacity, throughout this State.

Standard yard

Sec. 2. That the unit or standard measure of length and surface, from whence all other measures of extension, whether they be lineal, superficial or solid, shall be derived and ascertained, shall be the yard, as used in the State of New York, on the fourth day of July, one thousand seven hundred and seventy-six.

Sec. 3. That, for the precise definition of said yard, and in order to its recovery in case of loss, it is declared that such yard has been found, by experiments made with a pendulum, with a brass rod, at Columbia College, in the city of New York, in the latitude of forty degrees, forty-two minutes and forty-three seconds, north, to bear to the pendulum of that place, vibrating seconds in a vacuum, at the temperature of melting ice, the proportion of one million to one million eighty-six thousand one hundred and forty-one.

Sec. 4. That the standard yard thus defined, shall be measured in a straight line, between two points, engraven upon golden disks, inverted into a straight brass rod; and in case the same shall be lost or otherwise destroyed, defaced or injured, it shall be restored, according to the proportions mentioned in the prece-

ding section, under the direction of the Secretary of State, as State sealer of weights and measures.

Division of yard.

Sec. 5. That the yard shall be divided into three equal parts, called feet; and each foot, into twelve equal parts, called inches; and for measure of cloths and other commodities, commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

Rod, furlong, and mile.

Sec. 6. That the rod, pole or perch, shall contain five such yards and a half; the furlong, two hundred and twenty such yards; and the mile, one thousand seven hundred and sixty such yards.

Contents of acre.

Sec. 7. That the acre, for land measure, shall be measured horizontally, and shall be equal to a rectangle, sixteen such perches in length, and ten in breadth; and shall contain one hundred and sixty square perches, or four thousand eight hundred and forty square yards; six hundred and forty such acres, being contained in a square mile.

Standard pound defin'd.

Sec. 8. That the unit or standard of weight, from which all other weights shall be derived and ascertained, shall be the pound of such magnitude, that the weight of a cubic foot of distilled water, at its maximum density, weighed in a vacuum, with brass weights, shall be equal to sixty-two and a half such pounds.

How made, &c.

Sec. 9. That such standard pound weight, shall be made of brass; and in case of loss, shall be restored by making a new standard, determined according to the proportions mentioned in the last section, under the directions of the State Sealer of weights and measures.

Divided into ounces.

Sec. 10. That the pound shall be divided into sixteen equal parts, called ounces; of which parts, the cubic foot of distilled water, under the same circumstances, mentioned in the eighth section, shall weigh one thousand.

Standard gallon defined.

Sec. 11. That the unit or standard of measures of capacity, as well for liquids as for dry commodities, not measured by heaped measure, from which all other measures of capacity shall be derived and ascertained, shall be the gallon.

Two kinds of gallons provided for.

Sec. 12. That there shall continue to be two kinds of gallons: one for the measure of all liquids, and one for the measure of all other substances not measured by heaped measure; the first to be denominated the gallon for liquid measures, and the second to be denominated the gallon for dry measures.

Gallon for liquor defined.

Sec. 13. That the gallon for liquids, shall be a vessel of such capacity, as to contain at the mean pressure of the atmosphere, at the level of the sea, eight pounds of distilled water, at its maximum density.

Gallon for dry measure defined.

Sec. 14. That the gallon for dry measure, shall be a vessel of such capacity as to contain at mean pressure of the atmosphere, at the level of the sea, ten pounds of distilled water, at its maximum density.

How made

Sec. 15. That such standard gallons, shall be made of brass;

and in case of loss, shall be restored according to the proportions above mentioned, under the direction of the State Sealer of weights and measures.

Other measures of capacity for liquids

Sec. 16. That all other measures of capacity for liquids, shall be derived from the liquid gallon, by continual division, by the number two, so as to constitute half gallons, quarts, pints, half pints and gills.

For dry measure.

Sec. 17. That all other measures of capacity, for substances not being liquids, shall be derived from the dry gallon, by continual multiplication, by the number two, in the ascending scale, so as to constitute pecks, half bushels and bushels; and by continual division, by the same number, in the descending scale, so as to constitute half gallons, quarts, pints, half pints and gills.

Bushel defined.

Sec. 18. That the bushel shall contain, at the mean pressure of the atmosphere, at the level of the sea, eighty pounds of distilled water, at its maximum density.

Heaped measure.

Sec. 19. That the standard measure of capacity for coal, ashes, indian corn in the ear, fruit and roots, of every kind, and for all other commodities commonly sold by heaped measure, shall be the aforesaid bushel, and the measures used to measure such commodities, shall be made round with a plain and even bottom, and shall be of the following diameters, as the top measure from outside to outside, to wit: The bushel nineteen and a half inches; the half bushel, fifteen and a half inches; and the peck, twelve and a third inches.

Sec. 20. That all commodities sold by heaped measure, shall be duly heaped up in the form of a cone, the outside of the measure, by which the same shall be measured, to the extremity of the base of such cone; and such cone to be as high as the articles to be measured will admit.

Dry articles not heaped.

Sec. 21. That the measures used for measuring dry commodities, not heaped, shall be stricken with a straight stick or roller, and of the same diameter from end to end.

Future contracts how construed.

Sec. 22. All contracts hereafter to be executed, made within this State, for any work to be done, or for any thing to be sold, delivered, done or agreed for by weight or measure, shall be taken and construed to be made according to the standard weight and measure thus ascertained.

Hundred weight and ton.

Sec. 23. That the hundred weight shall consist of one hundred pounds, avoirdupois; and twenty such hundreds shall constitute a ton.

Standard weight of grain.

Sec. 24. That whenever wheat, rye, indian corn, barley or oats, shall be sold by the bushel, and no special agreement as to the measurement or weight, shall be made by the parties, the bushel shall consist of sixty pounds of wheat; of fifty-six pounds of rye or indian corn; of forty-eight pounds of barley; and of thirty-three pounds of oats.

Liquors paying duties to

Sec. 25. That nothing contained in the present act, shall prevent the sale of liquors and wines, paying duties to the go-

vernment of the United States, by the measures of capacity, used in its custom houses, while in the original casks or other vessels in which the same were imported. U. States.

Sec. 26. That [the] following original standards, made in conformity to the provisions of this act, to wit: A yard; a pound; a dry gallon; a liquid gallon; and a half bushel, shall be procured by the State Sealer of weights and measures, on, or before the first day of November, in the year of our Lord one thousand eight hundred and thirty-five, and deposited in a chest in his office; which shall only be opened for the sole purpose of comparing such standards, with the copies hereinafter described, unless, by a joint resolution of the two Houses of the Legislature, or on the call of either House, for information, or by order of the Governor, for scientific purposes. Original standards, how measured.

Sec. 27. That copies of the said original standards, to be made of such materials as the State Sealer shall direct, shall be deposited by him, in the offices of the County Sealers of the respective counties of this State, on, or before the first day of July, in the year of our Lord one thousand eight hundred and thirty-six; who shall severally be responsible for the preservation of the copies respectively delivered to them. Copies thereof how disposed of.

Sec. 28. That the State Sealer shall cause to be impressed on each of the copies of such original standards, the letter O. and such other additional device, as he shall direct, for the particular county; which device shall be recorded in the State Sealer's office, and a copy thereof delivered to the respective County Sealers. Devices on county copies

Sec. 29. That the state sealer shall furnish the town sealer of each city and incorporated town or borough within the limits of this state, where the office of town sealer shall have been created and filled in accordance with existing by-laws or ordinances of such city incorporation or borough, with copies of the said original standards at the expense of said city, incorporated town or borough, on which copies the state sealer shall impress, in addition to the state device, such other device as shall be directed by the constituted authorities of such city, incorporated town or borough. Devices on town or city copies.

Sec. 30. That it shall be the duty of the town sealers of weights and measures to compare the copies in their possession once in every three years, with those existing in the office of the county sealer of their respective counties.

Sec. 31. That the several county and town sealers shall compare all weights and measures which shall be brought to them for that purpose, with the above mentioned copies of such standards in their possession, and when the same are found or made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures. Weights, &c. how sealed & marked.

Sec. 32. That each sealer shall be entitled to receive for his services at and after the following rates: For sealing and marking every beam twelve and a half cents, for sealing Fees of sealers.

and marking measures of extension at the rate of twelve and a half cents per yard, not to exceed fifty cents for any one measure; for sealing and marking every weight three cents, for sealing and marking liquid and dry measures, if the same be of the capacity of a gallon or more, twelve and a half cents; if of less than a gallon three cents; he shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by this act.

Sealer resigning, &c. to deliver standards.

Sec. 33. That whenever any county sealer shall resign, be removed from office, or remove from the county, it shall be the duty of the person so resigning, removed, or removing, to deliver to his successor in office all the standard beams, weights and measures in his possession.

Sealer dying, &c.

Sec. 34. That in case of the death of any such sealer of weights and measures, his representatives shall in like manner deliver to his successor in office such beams, weights and measures.

Penalty for neglect.

Sec. 35. That in case of refusal or neglect to deliver such standards entire and complete, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and recover double the value of such standards as shall not have been delivered; and in every such action, in which judgment shall be rendered for the plantiff, he shall recover double costs.

Damages how applied.

Sec. 36. That one moiety of the damages recovered in every such action shall be retained by the person recovering, and the other shall be by him applied to the purchase of such standards as may be required in his office.

Using weig'ts &c. not conformable to this act.

Sec. 37. That if any person or persons shall hereafter use any weights, measures or beams in weighing or measuring, which shall not be conformable to the standards of this state established by this act, whereby any purchaser of any commodity or article of trade or traffic shall be injured or defrauded, such purchaser may mantain an action on the case against the offender, and if judgment shall be rendered for the plantiff, he shall recover treble damages with costs of suit.

Surveyors to make oath.

Sec. 38. That no surveyor shall give evidence in any cause depending in any of the courts of this state or before arbitrators respecting the survey or measurement of lands, unless such surveyor shall make oath if required that the chain or measure used by him was conformable to the standards of this state established by law at the time such survey was made.

Exceptions from two last sections.

Sec. 39. That the provisions of the two preceding sections shall not be enforced in any county, unless such county shall have been provided with copies of the standards of this state established by this act, at least three months previous to the measuring, weighing, or surveying, mentioned in those sections.

State sealer.

Sec. 40. That the Secretary of State shall be *ex officio* state sealer of weights and measures; and the county Auditors of

the respective counties shall be *ex officio* county sealers of weights and measures for their several counties. County sealers.

Sec 41. That every county sealer of weights and measures shall be authorized and empowered to appoint by writing under his hand and seal a deputy, whose duty it shall be to compare weights and measures brought to the office of the county sealer for that purpose, with the above mentioned copies of the original standards in the possession of said county sealers; and who shall receive for the performance of that duty the compensation in each case provided by the thirty second section of this act. Deputies. Their duties and compensation.

Sec. 42. That the cost of the original standards, which by the provisions of this act, the state sealer is required to procure on or before the first day of November in the year of our Lord one thousand eight hundred and thirty five, shall be defrayed out of and charged to the account of the contingent fund of the Secretary of state for the current year, and that the cost of the copies of said orginal standards, which by the provisions of this act the state sealer is required to procure for the several counties of this state, on or before the first day of July, in the year of our Lord one thousand eight hundred and thirty six, shall be defrayed out of, and charged to the account of the contingent fund of the Secretary of state, for the year of our Lord one thousand eight hundred and thirty six. Costs of original standards, how paid.

Sec 43. That an act for regulating measures, passed January 22, 1811, be, and the same is hereby repealed. Act repealed.

JOHN M. CREED,
Speaker of the House of Representatives.

PETER HITCHCOCK,
Speaker of the Senate.

March 5, 1835.

AN ACT

To amend the act entitled "An act defining the mode of laying out and establishing State Roads, and changing their direction in certain cases," passed 14th March, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the board of commissioners of any county in this State, on the application of twelve freeholders, living in the vicinity of any state road, to vacate any part or parts of any old state road, where a new state road has been laid out so near the same ground as to render it, in their opinion, unnecessary to keep both roads open: *Provided*, That when any petition for such vacation shall be presented to said commissioners, satisfactory evidence shall

be produced that there has been due notice given of the intended application to vacate such part or parts of said road, at least twenty days before the sitting of the board of commissioners at which the application is made; which notice shall be given by setting up advertisements at three of the most public places in the vicinity of the road which is proposed to be vacated, or by publishing the same in some newspaper in general circulation in the neighborhood, for three weeks in succession, previous to presenting such petitition; any thing in the act to which this is an amendment to the contrary notwithstanding.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 5, 1835.

AN ACT

To amend the act defining the duties of Supervisors of Roads and Highways, passed March 7, 1831, and the act for opening and regulating Roads and Highways, passed March 14, 1831.

Duty of supervisors in opening or removing obstructions from roads & keep same in repair

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of each and every supervisor to open, or cause to be opened, all public roads and highways which shall have been, or may hereafter be laid out and established through any part of the district assigned to such supervisor; the same to keep in repair, and remove all obstructions that may from time to time be found thereon; for which purpose the supervisors are hereby authorized to enter upon any uncultivated lands unencumbered by a crop, near or adjoining the public roads; to cut and carry away any timber; to dig, or cause to be dug and carried away, any gravel, sand or stone, which may be necessary to improve or repair said road; and to enter on any lands adjoining or lying near the road; to make such drains or ditches through the same as they may deem necessary for the benefit of the roads, doing as little injury to said lands and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be kept open by said supervisors, if necessary, and shall not be obstructed by the owner or occupier of such lands, or any other person or persons, under the penalty of forfeiting a sum not exceeding ten dollars for each offence; to be recovered and appropriated as is provided in the eighth section of the act to which this is an amendment.

When road is injured by washing of rivers or lakes.

Sec. 2. That whenever any public road may be injured or destroyed by the washing of any lake, river or creek, it shall be the duty of the trustees of the township in which such in-

jury or loss of road shall have occurred, upon petition of any six freeholders of the township, to call to their aid a competent surveyor, and proceed to examine such road as may have been thus injured or destroyed; and if, upon such examination, said trustees, or a majority of them, shall be satisfied that such road has been destroyed, or so much injured that the public good requires an alteration of the same, they shall proceed to alter and lay out so much of the new road as may supply the several parts of the road thus destroyed or injured; and the said trustees and surveyor shall make report of their doings, in the manner pointed out as the duty of the viewer and surveyor in the fourth section of the act for opening and regulating roads and highways, passed March 14, 1831; and the auditor and commissioners of the proper county shall be governed in the reception and recording of said report as is prescribed in the aforesaid section: *Provided*, That any person or persons, through whose lands such alteration or new road shall be laid out, shall feel injured thereby, may apply to the county commissioners for redress, in the manner pointed out by the sixth section of the above recited act. Proviso.

Sec. 3. That the surveyors shall receive for each day they are necessarily employed under the provisions of this act, the following compensation, to wit: Surveyor, one dollar and fifty cents, to be paid out of the county treasury, on the order of the county auditor; and the trustees, seventy-five cents, to be paid out of the township treasury, on the order of the township clerk. Surveyors and trustees fees under this act.

Sec. 4. That the ninth section of the act defining the duties of supervisors of roads and highways, passed March 7th, 1831; and all acts, and parts of acts, inconsistent with the provisions of this act, be, and they are hereby repealed. Repealing clause.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

To amend the act entitled "An act to authorize and encourage the establishment of Agricultural Societies in the several counties of this State, and for other purposes therein set forth," passed February 25, 1832.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where organized counties in this State, from the sparseness of their population, the small advance in agricultural improvements, or from any other cause, may not establish and keep up agricultural societies, such counties shall be, and they are hereby authorized to attach themselves, for the pur- County sparsely populated, may attach themselves to adjacent c'tys for ag icultural purposes.

pose contemplated by law in encouraging that branch of industry, to the Agricultural Society of some contiguous county, or to unite with one or more contiguous counties in forming a District Agricultural Society; and the societies so formed, shall receive, out of the funds of the several counties composing the District Society, the sum allowed by the sixth section of the act entitled "An act to authorize and encourage the establishment of Agricultural Societies in the several counties of this State, and for other purposes therein set forth:" *Provided*, The county commissioners of such counties shall give public notice that a meeting will be held at the time and place prescribed by the first section of the act to which this is an amendment, for the purpose of forming a County Agricultural Society, or attaching such county, for agricultural purposes, to some contiguous County Society, or to unite with one or more contiguous counties in forming a District Agricultural Society, as those assembled may determine.

Proviso.

Animals reared out of c'ty, may be exhibited for premium, in certain cases.

Sec. 2. That animals reared or owned in any part of this State, if so decided by a majority of the directors of any county or district society, may be exhibited for premiums, in conformity with the rules and regulations of such society, at any anual exhibition and fair held by order of said directors; and that the owners of such animals shall be entitled to receive premiums, awarded by the judges appointed by the directors, in the same manner as if they resided within the limits of the county or district society.

Sec. 3. That whenever any Agricultural Society shall be duly organized agreeably to the provisions of this act, or the act to which this is an amendment, the directors of such society shall have power to fix the time for holding the annual meeting for the election of officers; of which annual meeting thirty days' previous notice shall be given, in such manner as said directors may prescribe, any thing in the act to which this is an amendment to the contrary notwithstanding.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 6, 1835.

AN ACT

To amend the act pointing out the mode of levying taxes, and to repeal an act amendatory thereto, passed February 28, 1834.

C'ty Comm'rs may levy town

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of each county of this State shall have power, and they are hereby authorized, to levy such

per centum on any township in their respective counties, as the trustees or a majority of them shall determine, not exceeding the amount which they are authorized to levy as a general county levy, for road purposes: *Provided*, The trustees shall determine, and certify in writing, the additional per centum to be levied, and deliver, or cause to be delivered, the certificate aforesaid to the auditor of the proper county, on or before the first Monday of June in each year: *Provided further*, That if the commissioners of any county shall neglect in any year to levy a general road tax, such neglect shall not be construed to prevent such commissioners from levying a road tax in any township, in pursuance of this act.

ship tax in certain cases.

Proviso.

Further proviso.

Sec. 2. That the act amendatory to the act pointing out the mode of levying taxes, passed February 28th, 1834, be, and the same is hereby repealed.

Act repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

Providing for the Punishment of Crimes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall purposely and of deliberate and premeditated malice, or in the perpetration or attempt to perpetrate any rape, arson, robbery or burglary, or by administering poison or causing the same to be done, kill another,—every such person shall be deemed guilty of murder in the first degree, and upon conviction thereof shall suffer death.

Murder in the first degree.

Sec. 2. That if any person shall purposely and maliciously, but without deliberation and premeditation, kill another,—every such person shall be deemed guilty of murder in the second degree, and on conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor, during life.

Murder in the second degree

Sec. 3. That if any person shall unlawfully kill another without malice, either upon a sudden quarrel or unintentionally, while the slayer is in the commission of some unlawful act, every such person shall be deemed guilty of manslaughter, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten years, nor less than one year.

Manslaughter

Sec. 4. That if any person shall have carnal knowledge of his daughter or sister, forcibly and against her will, every such person so offending shall be deemed guilty of a rape, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor during life.

Rape upon daughter or sister.

Rape.

Sec. 5. That if any person shall have carnal knowledge of any other woman or female child than his daughter or sister, as aforesaid, forcibly and against her will, or if any male person of the age of seventeen years and upwards, shall carnally know and abuse any female child under the age of ten years, with her consent, every such person so offending shall be deemed guilty of a rape, and upon conviction thereof shall be imprisoned in the penitentiary and kept at had labor not more than twenty, nor less than three years.

Carnal knowledge of insane women.

Sec. 6. That if any male person seventeen years old and upwards, shall have carnal knowledge of any woman other than his wife, such woman being insane, he knowing her to be such, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten, nor less than three years.

Bigamy.

Sec. 7. That if any married person, having a husband or wife living, shall marry any other person, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than seven years, nor less than one year; but nothing contained in this section shall be construed to extend to any person whose husband or wife shall be continually and wilfully absent for the space of five years together, and unheard from, next before the time of such marriage.

Exception.

Incest.

Sec. 8. That if any stepfather shall have sexual intercourse with his stepdaughter, knowing her to be such; or if any stepmother and her stepson shall have sexual intercourse together, having knowledge of their relationship; or any father shall have sexual intercourse with his daughter, knowing her to be such; or if any brother and sister, being of the age of sixteen years or upwards, shall have sexual intercourse together, having knowledge of their consanguinity; every stepfather, stepmother, stepson, father, brother or sister, so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten, nor less than three years.

Perjury.

Sec. 9. That if any person, on his or her oath or affirmation, in any action, plea, suit, bill, petition, answer, complaint, indictment, controversy, matter or cause depending, or which may depend in any of the courts in this State, civil, criminal or military, or in any affidavit or deposition, to establish any account stated, demand or bill of particulars to be presented to any executor or administrator for settlement, or before any Justice of the Peace, referees or arbitrators, or before any other person having authority by the laws of this State to administer an oath, or in or before the Senate or House of Representatives of the Legislature of this State, or any committee thereof, in any deposition or affidavit, or other oath or affirmation, taken or made pursuant to the laws of this State, or of

any resolution of the Senate and House of Representatives of the Legislature of this State, or of either of them, shall wilfully and corruptly depose, affirm or declare any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, every person so offending shall be deemed guilty of perjury; and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than ten, nor less than three years.

Subornation of perjury.

Sec. 10. That if any person shall persuade, procure or suborn any other person to commit wilful and corrupt perjury, every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten, nor less than three years.

Substance of the offence sufficient in the indictm'nt for perjury.

Sec. 11. That in every indictment for perjury or subornation of perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and before what court or authority the oath or affirmation was taken, averring such court or authority to have full power to administer the same, together with the proper averment or counts to falsify the matter or matters, wherein the perjury is assigned, without setting forth any part of any record or proceeding in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court or other authority before whom the perjury was committed.

Arson.

Sec. 12. That if any person shall wilfully and maliciously burn, or cause to be burned, any dwellinghouse, kitchen, smokehouse, shop, barn, stable, storehouse, warehouse, malthouse, stillinghouse, mill, or pottery, the property of any other person; or any other buildings, the property of any other person, of the value of fifty dollars, or containing property of the value of fifty dollars; or any church, meetinghouse, courthouse, workhouse, schoolhouse, jail or other public building; or any ship, boat or other watercraft, of the value of fifty dollars; or any bridge of the value of fifty dollars, erected across any of the waters within this State; every person so offending shall be deemed guilty of arson,—and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty years, nor less than one year.

Attempt to commit arson.

Sec. 13. That if any person shall wilfully and maliciously set fire to any of the buildings or other property, described in the foregoing section, with intent to burn or destroy the same, every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven years, nor less than one year.

Burglary.

Sec. 14. That if any person shall, in the night season, wilfully, maliciously and forcibly break and enter into any

dwellinghouse, kitchen, smokehouse, shop, office, storehouse, warehouse, malthouse, stillhouse, mill, pottery, factory, watercraft, schoolhouse, church or meetinghouse, with intent to kill, rob, commit a rape, or with intent to steal property of any value, or to commit any deed by this act made criminal,—every person so offending shall be deemed guilty of burglary; and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, for not more than ten, nor less than three years.

Robbery.

Sec. 15. That if any person shall forcibly and by violence or by putting in fear, take from the person of another, any money or personal property of any value whatever, with intent to rob or steal,—every person so offending shall be deemed guilty of robbery; and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than fifteen, nor less than three years.

Entering house, &c. by night or day, without breaking, and attempting to commit a felony.

Sec. 16. That if any person shall wilfully and maliciously, either in the day time or night season, enter any dwellinghouse, kitchen, shop, store, warehouse, malthouse, stillhouse, mill, factory, pottery, water craft, school house, church or meeting house, smoke house, barn or stable, and shall attempt to kill, disfigure or maim any person, rob, stab, commit a rape, or arson: every person so offending, his or her aiders or abettors, counsellors or procurers, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than ten years, nor less than one year.

Assault with intent to commit murder, rape or robbery.

Sec. 17. That if any person shall assault another, with intent to commit a murder, rape or robbery, upon the person so assaulted: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven, nor less than three years

Grand larceny.

Sec. 18. That if any person shall steal any money or other personal goods or chattels, the property of another, of the value of thirty-five dollars or upwards: the person so offending, shall be deemed guilty of larceny; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor, not more than seven years, nor less than one year.

Stealing or destroying bank notes.

Sec. 19. That if any person shall steal, or maliciously and feloniously destroy any bank bill or bills, or promissory note or notes, bill of exchange, order, receipt, warrant, draft, check or bond, given for the payment of money or receipt, acknowledging the receipt of money or any other property, of the value of thirty-five dollars or upwards, knowing them to be such, every such person shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than seven years, nor less than one year

Receiving or

Sec. 20. That if any person shall receive or buy any bank

bill or bills, or promissory note or notes, bill of exchange, order, receipt, draft, warrant, check or bond, given for the payment of money of thirty-five dollars or upwards, which have been stolen, knowing the same to be stolen, with intent to defraud the owner thereof: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than seven years nor less than one year. buying stolen bank bills, knowing them to be stolen.

Sec. 21. That if any person shall falsely personate any other, before any Court of record or judge thereof, or before any justice of the peace, clerk of either the Supreme Court or Court of Common Pleas, or any other officer of this State, who is or may hereafter be authorized to take the acknowledgment of deeds, powers or warrants of attorney, or to grant marriage licenses, with intent to defraud any person, body politic or corporate: any person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor for any space of time not exceeding six years, nor less than one year. Falsely personating.

Sec. 22. That if any person shall falsely make, alter, forge or counterfeit any record or other authentic matter of a public nature, or any charter, letters patent, deed, lease, writing obligatory, will, testament, amenity, bond, covenant, bank bill or note, check, draft, bill of exchange, contract or promissory note, for the payment of money or other property, or any acceptance of a bill of exchange, or the number or any principal sum of any accountable receipt, for any note or any order, or any warrant or request, for the payment of money or the delivery of goods and chattels of any kind; or any acquittance or receipt, either for money or goods, or any acquittance, release or discharge of any debt, account, action, suit, demand or other thing, real or personal; or any plat, draft or survey of land; or any transfer or assurance of money, stock, goods, chattels, or other property whatever; or any letter of attorney, or any power to receive money, or to receive and transfer stock or annuities; or to let, lease, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any bills drawn by the auditors of public accounts, for the payment of money at the treasury, with intent to damage or defraud any person or persons, body politic or corporate; or shall utter or publish, as true and genuine, or cause to be uttered, and published as true and genuine, any of the above named false, altered, forged or counterfeited matter, above specified and described, knowing the same to be false, altered, forged or counterfeited, with intent to prejudice, damage or defraud any person or persons, body politic or corporate: every person so offending, shall be deemed guilty of forgery; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor for any space of time not exceeding twenty years, nor less than three years. Forgery.

Sec. 23. That if any person shall voluntarily, unlawfully, and on purpose, cut or bite the nose, lip or lips, ear or ears, or cut out or disable the tongue; put out an eye; slit the nose, ear or lip; cut or disable any limb or member of any person, with intent to murder, kill, maim or disfigure such person: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than twenty years, nor less than one year.

Stabbing and shooting with intent to kill, wound or maim.

Sec. 24. That if any person shall, maliciously, shoot, stab, or shoot at any other person, with intent to kill, wound or maim such person: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than twenty years, nor less than one year.

Duelling, challenging to fight duels.

Sec. 25. That if any person shall engage in or fight a duel with another, or shall be second to such person who shall fight a duel; or if any [person] shall, by word, message, letter, or in any other way, challenge another to fight a duel; or shall accept a challenge to fight a duel, although no duel be fought; or shall, knowingly, be the bearer of such challenge; or shall advise, prompt, encourage or persuade any person to fight a duel; or challenge another to fight a duel, whether such duel be fought or not: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years, nor less than one year; and shall forever after be incapable of holding any office of honor, profit or trust, within this State: *Provided, however*, If death ensue from such duel, the person or persons concerned, shall be deemed guilty of murder; and shall be punished for murder in the first or second degree, (as the case may be) as is provided in this act, any thing in this section to the contrary notwithstanding.

Proviso, if death ensue, murder.

Receiving or buying stolen goods or harboring thief with knowledge.

Sec. 26. That if any person shall receive or buy any goods or chattels, of the value of thirty-five dollars or upwards, that shall have been stolen or taken by robbers, knowing the same to be stolen or taken by robbers, with intent to defraud the owner; or shall harbor or conceal any thief or robber, knowing him or her to be such: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than seven years, nor less than one year.

Horse stealing. Buying stolen horse. Concealing the thief or horse, with knowledge.

Sec. 27. That if any person shall steal any horse, mare, gelding, foal or filly, ass or mule, of any value; or if any person shall receive or buy any horse, mare, gelding, foal or filly, ass or mule, that shall have been stolen, knowing the same to have been stolen, with intent by such receiving or buying, to defraud the owner; or if any person shall conceal any horse thief, knowing him to be such; or if any person shall conceal any horse, mare or gelding, foal or filly, ass or mule, knowing the same to have been stolen: every person so offending, shall

be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor, not more than fifteen, nor less than three years.

Counterfeiti'g coin, altering counterfeit coin or maki'g any instrum't for counterfeiting.

Sec. 28. That if any person shall counterfeit any of the coins of gold, silver or copper, currently passing in this State; or shall alter or put off counterfeit coin or coins, knowing them to be such; or shall make any instrument for counterfeiting any of the coins aforesaid, knowing the purpose for which such instrument was made; or shall knowingly have in his possession and secretly keep any instrument for the purpose of counterfeiting any of the coins aforesaid: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than fifteen, nor less than three years.

Selling or disposing of counterfeit or altered bank notes, by single bill or sheet, having the same in possession, for the purpose of selling making or passing notes on fictitious b'ks.

Sec. 29. That if any person shall sell, barter, or in any manner dispose of any false, forged or counterfeit bank note or notes; or shall sell, barter, or in any manner dispose of any counterfeit bank note or notes, the same not being filled up, or the signatures thereto, forged or affixed, whether by single bill or by sheets; or shall sell, barter or in any manner dispose of any bank note or notes, the same being filled up, but having the signatures of persons not the officers of the bank, from which such note or notes purport to have been issued, or having the names of fictitious persons thereto; or if any person shall be detected with any such counterfeit or spurious bank note or notes, in his possession, for the purpose of selling, bartering or disposing of the same; or if any person shall make, alter, publish, pass or put in circulation, any note or notes, bill or bills, purporting to be the note or notes, bill or bills, of a bank, company or association, which never did in fact exist: such person or persons, knowing at the time of publishing, passing or putting in circulation, any such note or notes, bill or bills, that the bank, company or association, purporting to have issued the same, never did exist: every person so offending, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor, not more than fifteen, nor less than three years.

Gilding current coin.

Sec. 30. That if any person shall gild any of the silver coins currently passing in this State, or shall gild any other metal having the likeness and similitude of any of the coins currently passing in this State, so as to give it the appearance of any of the gold coins of the United States, or any other gold coins currently passing in this State, with intent to injure or defraud; or if any person shall pass or put in circulation any such false or gilded money, knowing that it is not genuine, the person so offending, shall upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, not more than five years, nor less than one year.

Engraving any plate for

Sec. 31. That if any person shall engrave any plate for striking or printing any false or counterfeit bank notes, know-

striking counterfeit notes, possessing or secretly keeping such plate.

ing it to be designed for that purpose, or shall, knowingly, have in his possession, and secretly keep any plate for the purpose aforesaid; and if any person shall engrave, cut, indent, or cause any piece or pieces of brass, copper, or any other metal, for striking, printing or altering any of the writing, printing or figures of any bank note or notes, bill or bills, knowing them to be designed for that purpose; or shall knowingly have in his possession, and secretly keep the same for the purpose aforesaid: every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than fifteen, nor less than three years.

Attempting to pass any counterfeit coin or bank note, with knowledge.

Sec. 32. That if any person shall attempt to pass any base or counterfeit coin or coins, knowing them to be such; or shall attempt to pass any false, forged and counterfeited bank note or notes, knowing them to be such: every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than five years, nor less than one year.

Selling land without title.

Sec. 33. That if any person or persons shall knowingly sell or convey any tract of land without having a title to the same, either in law or equity, by descent, devise or evidence, by a written contract or deed of conveyance, with intent to defraud the purchaser: every person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than seven years, nor less than one year.

Administering poison with intent to kill, or preparing it with that intent.

Sec. 34. That if any person or persons shall administer poison to another, with intent to destroy or take the life of the person or persons to whom the same shall be administered, or to do him, her or them an injury; or if poison shall be prepared with the intent aforesaid, and the same shall be taken by any person or persons, whereby an injury to such person or persons may be done, the person or persons so offending, their aiders and abettors, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor, not more than fifteen, nor less than three years.

Assistants or guards, aiding prisoners to escape.

Sec. 35. That if any of the assistants, guards, or other officers of the penitentiary, shall procure, aid or abet any of the convicts confined therein, to escape therefrom, the persons so offending, shall upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor, for any space of time not greater than the convict thus procured, aided or abetted to escape, was originally sentenced for.

Procuring any other person to commit such offence.

Sec. 36. That if any person shall aid, abet or procure any other person to commit any of the offences by this act made criminal: every person so offending, shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at

hard labor, for any time between the respective periods for which the principal offenders could be imprisoned for the principal offence; or if such principal offender would, on conviction, be punishable with death, or be imprisoned for life, then such aider, abettor or procurer shall be imprisoned for life, or be punished with death, as the occasion may require.

Accused to be tried in county where mortal blow, &c. be given, tho' death ensue in another co'ty.

Sec. 37. That if any person shall give any mortal blow, or administer any poison to another, in any county within this State, with intent to kill, and the party so stricken or poisoned, thereof shall afterwards die in any other County or State, the person giving such mortal blow or administering such poison, may be tried and convicted of murder or manslaughter, as the case may be, in the county where such mortal blow was given or poison administered.

When persons convicted, what the C'rt shall declare in their sentence.

Sec. 38. That in all cases when any person shall be convicted of any offence by this act declared criminal and made punishable by imprisonment in the penitentiary, the court shall declare in their sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned, at hard labor, in the penitentiary; and shall, moreover, determine and declare in their sentence whether any, and if any, for what period of time such convict shall be kept in solitary confinement in the cells of the penitentiary, without labor, and shall render judgment against such convict for the costs of prosecution, and award execution thereon against the goods and chattels, lands and tenements of said convict.

In trials for murder, jury to ascertain the degree of murder, &c.

Sec. 39. That in all trials for murder, the jury before whom such trial is had, if they find the prisoner guilty thereof, shall ascertain in their verdict whether it be murder in the first or second degree, or manslaughter; and if such person be convicted by confession in open court, the court shall proceed by examination of witnesses, in open court, to determine the degree of the crime, and shall pronounce sentence accordingly.

Punishment of death by hanging, sheriff to be executioner.

Sec. 40. That the mode of inflicting the punishment of death, in all cases under this act, shall be by hanging by the neck until the person is dead; and the sheriff, and in case of his death, inability or absence, the coroner of the proper county in which sentence of death shall be pronounced by virtue of this act, shall be the executioner.

Convict disfranchised.

Sec. 41. That any person sentenced to be punished for any crime specified in this act, (when sentence shall not have been reversed or annulled,) except under the third and twenty-fifth sections, shall be deemed incompetent to be an elector, juror or witness, or to hold any office of honor, trust or profit within this State, unless the said convict shall receive from the Governor of this State a general pardon, under his hand

and the seal of the State, in which case said convict shall be restored to all his civil rights and privileges: *Provided, however*, That such pardon shall not release such convict from the costs of his conviction.

Act repealed

Sec. 42. That the act, entitled an act for the punishment of crimes, passed March 3d, 1831, be, and the same is hereby repealed: *Provided*, That any person or persons who may have committed any crime punishable under the provisions of the act hereby repealed, prior to the taking effect of this act, shall be prosecuted and punished according to the provisions of the act hereby repealed, in the same manner such person or persons might or ought to be prosecuted and punished if this act had not been passed.

Proviso in relation to crimes committed before this act takes effect.

Effect.

Sec. 43. This act to take effect and be in force from and after the first day of July next.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

To amend the act, entitled "An act to provide for the partition of real estate," passed February 17th, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the term of service of the Sheriff or other officer, who hath made, or shall hereafter make sale of any lands and tenements by virtue of the act passed February 17, 1831, entitled 'An act to provide for the partition of real estate,' shall have expired or shall expire, before a conveyance shall have been made; or if the Sheriff or other officer shall be absent, or be rendered unable by death or otherwise, to make deed of conveyance for the same, it shall be lawful for any Sheriff or other officer succeeding the officer who made the sale, to make a deed to the purchaser or purchasers upon motion to, and under the order of the court to which such sale may have been, or may be returned and confirmed: *Provided*, The court before ordering a deed shall be satisfied that the purchaser has complied with the terms of sale.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

To amend the act entitled "An Act regulating descents and the distribution of personal estates," passed February 24th, 1831.

Sec. 1 *Be it enacted by the General Assembly of the State of Ohio*, That when any person shall die intestate, having title or right to any real estate of inheritance in this State, which title shall have come to such intestate by descent, devise or deed of gift from any ancestor, such estate shall descend and pass in parcenary to his or her kindred in the following course: first,—to the children of such intestate, or their legal representatives: second,—if there be no children or their legal representatives, the estate shall pass to the brothers and sisters of the intestate, who may be of the blood of the ancestor from whom the estate came, or their legal representatives, whether such brothers and sisters be of the whole or the half blood of the intestate: third,—if there be no brothers or sisters of the intestate, of the blood of the ancestor from whom the estate came or their legal representatives, and if the estate came by deed of gift from an ancestor who may be living, the estate shall ascend to such ancestor: fourth,—if the ancestor from whom the estate came be deceased, the estate shall pass to the children of such ancestor, or their legal representatives; if there be no children of such ancestor or their legal representatives, the estate shall pass to the brothers and sisters of such ancestor or their legal representatives, and for want of such brothers or sisters, or their legal representatives, to the brothers and sister of the intestate of the half blood or their legal representatives, though such brothers and sisters be not of the blood of the ancestor from whom the estate came: fifth,—if there be no brothers or sisters of the intestate, or their legal representatives, the estate shall pass to the next of kin to the intestate of the blood of the ancestor from whom the estate came.

Course of descents of real estates of inheritance, which have come by descent, devise, or deed of gift from an ancestor.

Sec. 2. That the first section of the act, entitled "An act regulating descents and the distribution of personal estates," passed February 24th, 1831, be, and the same is hereby repealed.

Repealing clause.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

To amend an act, entitled "An act granting Licenses, in certain cases."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall come to the knowledge of

the County Treasurer, upon information, complaint, or otherwise, that any of the provisions of the act, entitled "An act granting licenses in certain cases," passed March 14, 1831, to which this is an amendment, have been violated, it shall be, and is hereby made the duty of such Treasurer to institute suit for the forfeiture incurred; and when collected, to pay such fine or forfeiture over, agreeably to the provisions of the act to which this is an amendment.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
March 7, 1835. *Speaker of the Senate.*

AN ACT

To amend an act, entitled "An act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any Clerk of the Court of Common Pleas, or any County Assessor, shall neglect or refuse to perform all or any of the duties required of him by the provisions of an act, entitled "An act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years," passed January 17th, 1827, it shall be the duty of the Prosecuting Attorney of the county in which such neglect or refusal may occur, forthwith to commence an action for the recovery of the penalty specified in the third section of the act to which this is an amendment, and to prosecute the same to final judgment and execution.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
March 7, 1835. *Speaker of the Senate.*

AN ACT

In relation to the collection of costs in certain cases.

Judgment for costs against convicts; collected by prosecuting attorney.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where any person has been or may hereafter be convicted of any crime, the punishment whereof was or may be imprisonment in the penitentiary, and judgment has been or may be rendered against such person for costs, it shall be the duty of the Prosecuting Attorney of the county in which such judgment has been or may be rendered,

to take charge of and to superintend the collection of costs by execution, as the case may require; and to receive and receipt for the same.

His duty further defined.

Sec. 2. It shall be the duty of the Prosecuting Attorney in each of the counties of this State, within three months after the passage of this act, to examine at the Clerk's office of their respective counties, and to ascertain, as far as practicable, in what cases the costs have been collected from the defendant, after the same had been paid by the State, and to demand and recover all such costs from the officer, or other person who may have received the same; and, if necessary, to sue for the same in the name of the State of Ohio.

Shall pay over all moneys to the county treasurer.

Sec. 3. That when the Prosecuting Attorney of any of the counties of this State, shall have collected or received the costs, in any case, by virtue of this act, he shall immediately pay the same over to the County Treasurer of the proper county: retaining for his collection fee, five per cent. on the amount so collected; and upon the receipt thereof, the Treasurer shall give to the said attorney duplicate receipts for the amount so paid; one of which receipts the said attorney shall lodge with the County Auditor, who shall file the same, and charge the said Treasurer with the amount so receipted for in favor of the State; and who shall also transmit to the Auditor of State a true copy of the account, thus stated, against the said Treasurer, at or before the time fixed by law for the annual settlement of the said Treasurer with the Auditor of State.

County treasurers to pay over all moneys to the treasurer of state.

Sec. 4. That it shall be the duty of the County Treasurer to pay the money so received by him as aforesaid, into the State Treasury; and settle the said account with the Auditor of State, at the time of making his annual settlement; and the Auditor of State, upon the payment of said moneys into the State Treasury, shall credit the Penitentiary Fund with the amount so paid; which money shall be paid over to the said fund in the same manner that other moneys of the said fund are paid over.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

Prescribing duties of County Auditors and County Recorders in relation to transfer of real estate.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That each County Auditor of this State, be, and he

is hereby required to endorse on all deeds, purporting to be deeds of unconditional conveyance of real estate, which may be presented to him, (or transfer the evidence in writing with his signature thereto,) of the proper entry of such transfer, having been made according to law in his office; and it shall hereafter be the duty of each County Recorder before recording such deeds, to require the same to be endorsed as aforesaid, at the expense of the party interested.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY.
Speaker of the Senate.

March 7, 1835.

AN ACT

Supplementary to the act passed December 27, 1834, entitled "An act to amend the act for opening and regulating Roads and Highways, and repealing an act to amend the same," passed February 25, 1833.

Commissioners to meet on 1st Monday in June, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Commissioners of the several counties named in the act to which this is supplementary, shall hold a session on the first Monday in June, annually, and shall, in all respects, be governed by the general laws of the State, except as is provided in the act to which this is supplementary.

Side walks on public roads, preserved.

Sec. 2. That in all cases where public roads pass through improved lands in said county, it shall be the duty of Supervisors to preserve side-walks on the same, at least seven feet in width, in as smooth and unbroken manner as the nature of ground will reasonably permit.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835

AN ACT

To amend an act, entitled "An act to encourge the killing of Wolves."

Clerks duty in drawing order

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of any Clerks of the Court of Common Pleas within this State, before whom any wolf scalp or scalps may be hereafter proven, agreeably to the provision of the act to which this is an amendment, to number each and every order on the State Treasurer by him drawn; to make the same payable to the person proving the same and to his order, taking his receipt therefor, (on the back of the

affidavit of the applicant,) and file and preserve the same in his office.

Sec. 2. That said Clerk shall enter in a book to be kept for that purpose, the date, number and amount of orders by him drawn; also, the name of the person to whom granted, and yearly and every year, on or before the fifteenth day of December, he shall make out and transmit to the State Auditor, an exhibit of all the orders by him issued and described, as in the first section mentioned. Shall enter the same in a book with the name of page.

Sec. 3. That it shall be the duty of the State Treasurer, immediately on his receiving in payment of taxes or otherwise, any wolf scalp order, to enter on the face of the same, the day and date and the word "redeemed." State treasurer's duty.

Sec. 4. That it shall be the duty of the State Auditor on receiving any redeemed wolf scalp orders from the Treasurer, to file and preserve the same; and once a year to compare them with the list or exhibit of the Clerk of the proper county, above provided for, to be forwarded to him. State audit'rs duty.

Sec. 5. That the County Commissioners of any county within this State, may increase the bounty for killing of wolves over six months old, to eight dollars per scalp: and such excess to be paid out of the Treasury of the proper county. County com'm'rs may increase duty.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 7, 1835.

AN ACT

Levying tax for State purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied for State purposes, an annual tax of one and one-fourth of a mill upon the dollar, of the value of all property entered on the general list for taxation; which tax shall be assessed and collected agreeably to law. Annual tax for state purposes

Sec. 2. That the several County Auditors, in making out their respective duplicates, shall include the amount of tax assessed for State purposes, and the amount of tax assessed for Canal purposes, in the same column; and the Auditor of State shall apportion the nett amount of tax collected for State purposes, and the amount collected for Canal purposes, according to the amount assessed on the dollar, for each of those purposes, respectively. County auditors duplicates how made.

Sec. 3. That the several County Auditors, in this State, shall, on making out the duplicates of taxation for 1835, make a separate list of taxes, delinquent on lands and town lots,

prior to the first day of January, 1835, without the taxes of 1835 being added thereto.

His duties further defined.

Sec. 4. That the said Auditors, in all other respects, except which is inconsistent with the fourth section of this act, shall be governed by the act entitled "An act defining the duties of County Auditors," passed March 14th, 1831.

Act repealed.

Sec. 5. That the act entitled "An act levying taxes for State purposes," passed February 8, 1826, be, and the same is hereby repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend an act for granting licenses in certain cases, passed March 14, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all pedlers or travelling merchants, vending clocks, goods, wares and merchandize, without applying for and obtaining a license in the manner pointed out in the first and second sections of an act for granting licences in certain cases, passed March 14th, 1831, shall be liable to the forfeiture and penalty pointed out in the third section of said act, whether such pedlers and travelling merchants vend the articles above enumerated, from wagons, carts, boats or other vehicles, or in any other way or manner, whatever: *Provided*, That the proviso contained in the third section of said act, shall continue in full force, any thing in this act to the contrary notwithstanding.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend the act entitled "An act pointing out the mode of levying taxes," passed March 14th, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That nothing in the act pointing out the mode of levying taxes, passed March 14, 1831, to which this is an amendment, shall be so construed, as to tax any improvements made on, or affixed to college or school lands, except such only as

are made liable to taxation on lands other than college and school.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

Supplementary to the act entitled "An act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing," passed February 22d, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any deed, mortgage or other instrument of writing heretofore executed in pursuance of law, by husband and wife, for the purpose of conveying or incumbering the estate of the wife, or her right of dower in any lands, tenements or hereditaments, situate in this State, shall be received in evidence in any of the courts of this State and elsewhere, as conveying or incumbering the estate or interest of the wife, or as releasing her right of dower, as the case may be, although the magistrate taking the acknowledgment of such deed, shall not have certified that he read or made known the contents of such deed, mortgage or instrument of writing to such wife, before or at the time she acknowledged the execution thereof.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend an act entitled An act to incorporate the original surveyed townships, passed March 14th, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Clerk of the different school districts, in any original surveyed township, in which section sixteen, or any part thereof, remains unsold, shall, at the time he takes the enumeration of the white youth, make out two certified copies of such enumeration; one of which shall be, by him, placed

in the hands of the County Auditor, and the other shall be delivered to the Clerk of the said original surveyed township.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend the act entitled "An act to amend an act entitled 'An act for the relief of Insolvent Debtors,'" passed February 28, 1834.

Comm'rs duty where lands lying in another county, have been assigned.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where lands and real estate, shall have been assigned, or may hereafter be assigned or conveyed to the Commissioner of Insolvents of any county in this State, by virtue of the act for the relief of insolvent debtors, and such land and real estate, shall be situated in a county or in counties where the Commissioner, to whom such assignment may have been, or shall be made, does not reside: it shall be the duty of such Commissioner to cause an authenticated transcript of such assignment, to be transmitted by mail or by some safe mode of conveyance, to the Commissioner in the county where such land may be situated; and the Commissioner to whom such transcript shall be transmitted, shall cause the same to be recorded in his office; and shall summon three judicious, disinterested freeholders of the county, who shall, after being duly sworn, appraise and value the land described in such transcript, and make duplicate returns to such Commissioner, of their valuation in writing, under their hands and seals; one of which returns, the said Commissioner shall preserve in his office, and the other he shall transmit to the Commissioner from whom such transcript may have been received.

Sale of lands, when and how made.

Sec. 2. That the Commissioner, to whom the assignment may have been, or shall be made, upon the receipt of such valuation, shall cause the land and real estate so assigned, to be sold agreeably to the provisions of the act to which this is an amendment; and upon such sale, shall cause a record thereof to be made in his office; and shall transmit a certified transcript of such record of sale, to the commissioner of the county where such land may be situated, who shall cause the same to be recorded in his office.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To regulate the taxation and collection of Costs.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all suits, motions and proceedings, either at law or in chancery, prosecuted after the taking effect of this act, in any of the courts of this State, the costs of the parties shall be taxed and entered of record, separately. Costs when taxed.

Sec. 2. That, on the rendition of judgment, in any case, the costs of the party recovering only, together with his debt or damages, shall be carried into his judgment; and the costs of the party against whom judgment shall be rendered, shall be stated in a separate clause of the record or docket entry. How taxed on judgment.

Sec. 3. That the clerk or justice of the peace, issuing execution for such judgment, as aforesaid, shall endorse thereon, the amount of the costs of the party condemned; which costs shall be collected by the officer to whom such writ may be directed, in the same manner and at the same time, in which judgment mentioned in the execution shall be collected. Endorsement on execution.

Sec. 4. That when the party recovering, shall neglect to sue out execution immediately, or after such execution shall have been returned without satisfaction of costs, the clerk may, for his own benefit, or shall, at the instance of any person entitled to fees in the bill of costs, taxed against either party, and by order of the court, issue against the party indebted to such clerk or other person, for such fees, whether plaintiff or defendant, an execution to compel the party to pay his own costs, in the following form, to wit: Party recovering, failing to issue a special execution, may issue, &c

Form of execution from a Court of Common Pleas, to compel either party to pay his own costs: Form.

STATE OF OHIO, COUNTY, ss.

To the Sheriff of the County of GREETING:

L.S. WHEREAS, in a certain action of lately prosecuted in our Court of Common Pleas, (or Supreme Court, as the case may be) within and for the county of wherein was plaintiff, and was defendant, the costs * of the said were taxed at dollars cents: You are therefore commanded, that, of the goods and chattels, or for the want of goods and chattels, of the lands and tenements of the said in your bailiwick, you cause to be made the costs aforesaid, with interest thereon, from the day A. D. [the date of the judgment] until paid, and costs that may accrue. And if you shall levy and make said costs and interest, do you have the same before our Judges of our Court of Common Pleas, within and for said county of on the first day of the next term of said Court, to render unto the persons entitled to

the same; and have you then and there this writ.

WITNESS, President of our Court of Common Pleas, this day of A. D.

A. B. CLERK.

Costs separately taxed on all transcripts

Sec. 5. That in all transcripts given by justices of the peace, the costs of each party shall be stated and set forth separately; and in all causes carried from the Court of Common Pleas to the Supreme Court, by appeal, writ of error, or otherwise, the Clerk of the Common Pleas shall certify to the Supreme Court, the costs of each party separately; and the clerk of the Supreme Court, in like manner, shall certify in the mandate to the Common Pleas, for execution, the costs in the Supreme Court, of each party, separately; and the costs of the party condemned in the Supreme Court, as well as the costs of the successful party, shall be collected by process, from the Common Pleas, in the manner herein before provided: excepting costs, the collection of which is provided for in the sixth section of this act.

How collected

Costs taxed on continuances, &c. how collected.

Sec. 6. The costs adjudged against either party, on continuances, amendments, or under any special rule, may be collected at any time after judgment or order of Court, awarding such costs by process, to be issued from the Court wherein such judgment or order shall be made; which process shall be in the form hereinbefore prescribed, with the following alteration, to wit: After the * asterisk, instead of the word "of," these words shall be inserted, to wit: "Adjudged against the said on continuance," [or "amendment;" or otherwise, as the case may be;] and if the special rule for payment of costs, be in the Supreme Court, the writ shall be so altered as to make it returnable to that Court, and bear test by the Chief Judge of that Court.

Endorser for costs, how far liable.

Sec. 7. That the endorser for costs, under the provisions of the fourth section of the act entitled "An act to regulate the practice of the Judicial Courts," passed March 8, 1831, shall be holden for the plaintiff's costs, to his witnesses or other persons entitled to fees from him, whether the plaintiff obtained judgment or not; and after execution issued on judgment rendered in favor of the plaintiff, and returned without satisfaction of costs, judgment for the amount of the plaintiff's costs remaining unpaid by him, to his witnesses or other persons entitled to fees from him, with interest thereon, from the date of the original judgment, may be had by such witnesses, or other persons aforesaid, in the name of the defendant, against the endorser, by summary proceeding, under the provisions of the fifth section of the act last above mentioned.

Costs taxed in cases heretofore prosecuted or now pen

Sec. 8. That in all cases heretofore prosecuted or now pending, or which may be commenced, before the taking effect of this act, in any of the Courts of this State, in which the costs may have been or may be taxed, and entered, agreeably

to the provisions of this act, the same may be collected by the process provided in this act. ding, how co lected.

Sec. 9. This act shall take effect and be in force from and after the first day of June next. Effect.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend the act, entitled an act for the punishment of certain offences therein named, passed March 8, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall steal any money or other goods and chattels of any kind whatever, of less value than thirty-five dollars, the property of another; or shall steal or maliciously destroy any bank bill, promissory note, bill of exchange, order, warrant, draft, check or bond, or any accountable receipt for money given for the payment or acknowledgment of any sum under thirty-five dollars, the property of another: every person so offending, on conviction thereof, shall make restitution to the party injured in two fold the value of the property stolen or destroyed; and be fined in any sum not exceeding two hundred dollars; or shall be imprisoned in the county jail, in a dungeon or cell thereof, if such jail contain either, and shall be fed on bread and water only during his or her confinement, for any time not exceeding thirty days; any or all of the foregoing punishments may be inflicted according to the aggravated nature of the offence; the Sheriff shall receive twelve and an half cents only per day for thus subsisting the prisoner on bread and water. Petit larceny and destruction of bank notes, &c. of less val. than fifty dollars. Sheriff's fees for subsisting prisoner on bread & wat'r

Sec. 2. That if any person shall conceal any stolen money, goods or chattels of any kind whatever of less value than thirty-five dollars: the person so concealing, knowing the same to have been stolen, shall be considered as an aider, abettor, or accomplice, and on conviction thereof, shall be fined for every such offence in any sum not exceeding two hundred dollars; or shall be imprisoned in the county jail, in a dungeon or cell thereof, if any there be in such jail, and shall be fed on bread and water only during his or her confinement, for any term not exceeding thirty days, either or both, at the discretion of the court. Concealing stolen goods or money of less val. than thirty-five dollars knowing the same to be stolen.

Sec. 3. That the third and fourth section of the act, entitled an act for the punishment of certain offences therein named, passed March 8, 1831, be, and the same is hereby repealed. Repealing clause.

Effect.

Sec. 4. This act shall take effect and be in force from and after the first day of July next, but nothing herein contained shall affect the prosecution or punishment for offences committed before the taking effect of this act.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 9, 1835.

AN ACT

Further to amend the act, entitled "An act defining the duties of Executors and Administrators," passed March 12, 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the appraisers shall have made an allowance for the support of the widow or of the widow and children, or of the children, as required by the 3d section of the act, entitled "An act defining the duties of Executors and Administrators," passed March 12, 1831, it shall be lawful for the Court of Common Pleas to review the same upon the petition of the widow or other person interested, and to increase or diminish such allowance; and to make such order in the premises as to them may seem right and proper.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 9, 1835.

AN ACT

Further to amend the act, entitled "An act to regulate the practice of Judicial Courts."

Executors &c. being party dec. adm'r *de bonis non*, made party in suit pending.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any executor or administrator shall have brought any suit in law or chancery, or shall have been made plaintiff or defendant in any such suit brought or depending, and shall during the pendency of such suit die, resign or be removed from said trust by the Court of Common Pleas of the proper county, such suit, either in law or chancery, shall not thereby abate, but the administrator *de bonis non* may be made party, plaintiff or defendant, as the case may require, in the same manner and under the same rules and regulations as is provided by law for making an executor or administrator,

party to a suit where the original plaintiff or defendant shall have died during the pendency of such suit.

Repealing clause.

Sec. 2. That the proviso to the one hundred and ninth section of the act, entitled "An act to regulate the practice of the Judicial Courts," passed March 8th, 1831, and to which act this is amendatory, shall not be construed to extend to executors or administrators not appointed by the authority of this State, but such executors or administrators shall be required to give bond to prosecute an appeal to effect, in the same manner as is required of parties not executors or administrators.

Executor, &c. party to judgment, & dying before satisfaction, adm'r. *de bonis non*, made party.

Sec. 3. That if any executor or administrator for or against whom a judgment may have been rendered, shall die, resign, or be removed from his trust by the Court of Common Pleas, before the judgment shall have been satisfied, the administrator *de bonis non* may be made party, plaintiff or defendant to said judgment, as the case may require, in the same manner as is provided in the eighty-ninth and ninetieth sections of the act to which this is an amendment, when the original plaintiff or defendant shall die after final judgment and before satisfaction.

Exceptions to appeal bond when taken.

Sec. 4. That no exception to an appeal bond in any case removed by appeal from a Justice of the Peace to the Court of Common Pleas, or from the Court of Common Pleas to the Supreme Court, shall be taken, unless the same be done at the term of the Court in which the appeal is entered, and the failure to take such exceptions at that time shall be considered as a waiver of all exceptions; and if upon exception taken the bond shall be found to be defective, either in form or in any other respect, the appellate Court may order a new bond to be given, with security to the satisfaction of the Clerk of said Court, and if such new bond be given according to said order, said appeal shall not be dismissed, but the appellate Court shall proceed to hear and determine the cause in the same manner as if the bond originally given had been sufficient: *Provided*, That nothing in this section contained shall be construed to extend to bonds not executed within the time limited by law for giving appeal bonds.

Proceeding not reversed for want of form only.

Sec. 5. That no process, return, pleading or other proceeding in civil cases, shall be abated, arrested, quashed or reversed, for mere want of form, but judgment shall be given according to the right and justice of the case, as the matter in law shall appear to the Court, without regarding any defects or want of form in such process, return, pleading, or other proceedings: except such only as the party shall set down and express with his demurrer as the cause thereof; and the Court, either before or after demurrer filed, and at any time before writ of error brought, may allow either party to amend, upon such terms as may be just and right; and the Supreme Court may on like terms permit either party to a

judgment, or other proceedings brought before it by writ of *error* or *certiorari*, to amend such formal defect in the same manner as the Court, where the judgment was originally rendered, might have done, before writ of error brought.

When declaration contains several counts some bad and the residue good, court may render judgment on good counts.

Sec. 6. That in suits where there are several counts in the declaration, some of which are bad or defective, and the residue good, and the jury shall return a general verdict for the plaintiff, it shall be lawful for the Court to give judgment on such good counts to which the evidence on trial was applicable, and either before or after motion in arrest of judgment to strike out such defective counts, and whenever sufficient appears to sustain the verdict, the judgment shall not be reversed on account of such defective counts.

Sup. C'rt failing to meet on day app. causes may, by consent, be heard in other county.

Sec. 7. That whenever from any cause the Supreme Court shall fail to be holden in any county at the time prescribed by law, it shall be lawful for said Court, to prevent a delay of justice, to take cognizance of any issue in law pending therein, if the parties to said suit shall agree in any other county on the circuit, as is usual in cases taken under advisement, and certify their decision back to the proper county, for entry and record.

Party recovering judgment, entitled to costs.

Sec. 8. That in all cases, except in those where it is otherwise provided by this act, or by the act to which this is an amendment, the party recovering final judgment shall be entitled to recover costs.

Sec. 9. That if the defendant in any action upon a contract, or promise in writing for the payment of money or other property, shall make no defence in the Court of Common Pleas, and shall remove the same by appeal to the Supreme Court, and the plantiff shall in the Supreme Court recover the same sum, or a larger sum than was recovered in the Court of Common Pleas, exclusive of costs, the Supreme Court shall render judgment for the sum so recovered, together with five per cent. damages thereon, and costs of suit.

Mandamus. Party not obeying, shall be in contempt

Sec. 10. That whenever any writ of *mandamus* shall be issued out of the Supreme Court, the person, body, or tribunal to whom the same shall be directed and delivered, shall make return to the first writ of *mandamus*, and for neglect so to do shall be proceeded against as for a contempt.

Proceedings on return of such writ.

Sec. 11. That whenever a return shall be made to any such writ, the person prosecuting such writ may demur or plead to all or any of the material facts contained in the said return, to which the person making such return shall reply, take issue or demur; and the like proceedings shall be had therein for the determination thereof, as might have been had if the person prosecuting such writ had brought his action on the case for a false return.

Verdict and judgment thereon.

Sec. 12. That in case a verdict shall be found for the person suing such writ, or if judgment be given for him upon demurrer, or by default, he shall recover damages and costs in like manner as he might have done in an action on the case as

aforesaid, and a peremptory *mandamus* shall be granted to him without delay.

Such judgm't bar to any other action.

Sec. 13. That a recovery of damages, by virtue of the foregoing provisions of this act, against any party who shall have made a return to a writ of *mandamus*, shall be a bar to any other action against the same party for the making of such return.

Peremptory mandamus, penalty for disobeying.

Sec. 14. That whenever a peremptory *mandamus* shall be directed to any public officer, body or board, commanding them to perform any public duty specially enjoined upon them by any provisions of law, if it shall appear to the Court that such officer, or any member of such body or board, has without just excuse, refused or neglected to perform the duties so enjoined, the Court may impose a fine upon every such officer, or member of such body or board; and such fine when collected shall be paid into the Treasury of the county; and the payment of such fine shall be a bar to any action for any penalty incurred by such officer, or member of such body or board, by reason of his refusal or neglect to perform the duty thus enjoined.

Repealing clause.

Sec. 15. That so much of the act to which this is an amendment as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

JOHN M. CREED,
Speaker of the House of Representatives.
C. ANTHONY,
Speaker of the Senate.

March 9, 1835.

AN ACT

To amend the act, entitled "An act for the appointment of Guardians," passed February 6, 1824.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all applications for the sale of real estate, by guardians to minors who live out of this State, the application shall be made in the county wherein the land is situate; or, if situate in more counties than one, then in one of the counties in which a part of such real estate is situate; and additional security shall only be required from such guardian or guardians, when deemed necessary, and such as may be approved by the Court of Common Pleas of the county wherein such application shall be made; any thing in the fourth sec-

section of the act to which this is amendatory, to the contrary notwithstanding.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

March 9, 1835.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, MAY 8, 1835.

I CERTIFY that the foregoing Acts are correct copies from the original rolls remaining on file in this office.

B. HINKSON,
Secretary of State.

ERRATA.

In the 13th page, 1st section and 5th line of the "Act to amend the act directing the mode of proceeding in Chancery," for *ensure* read *enure.*

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ACTS

PASSED AT THE SECOND SESSION

OF THE

THIRTY-THIRD GENERAL ASSEMBLY

OF

THE STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

JUNE 8, 1835.

IN THE THIRTY-THIRD YEAR OF SAID STATE.

VOL. XXXIII.

Columbus:
JAMES B. GARDINER, PRINTER TO THE STATE
1835.

ACTS.

AN ACT

Further to amend an act, entitled "An act regulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years," passed January 10th, A. D. 1827.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Assessor of each county in this State, who has not taken the enumeration of the white male inhabitants of said county, above the age of twenty-one years, and returned the same to the Clerk of the Court of Common Pleas, in accordance with the provisions of an act, entitled "An act regugulating the mode of taking the enumeration of the white male inhabitants above the age of twenty-one years," passed January 10th, A. D. 1827, be, and he is hereby, required to make and return said enumeration to the Clerk of the Court of Common Pleas of the proper county, on or before the first day of October, A. D. 1835.

Sec. 2. That the Governor of this State be, and he is hereby, authorized and required to issue his proclamation, on or before the first day of July, A. D. 1835, notifying the Assessors of the several counties of this State, of the provisions of this act.

Sec. 3. That the Governor of this State be, and he is hereby, authorized and required to issue his proclamation on or before the first day of January, A. D. 1839, and every fourth year thereafter—notifying the Assessors of the several counties of this State, of the provisions of the act referred to in the first section of this act.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 17, 1835.

AN ACT

Accepting certain propositions made by the Commissioners appointed by the President of the United States, relative to the Northern Boundary of this State.

WHEREAS, the Legislature of Ohio, at the last session, passed an act providing for the extension of her jurisdiction over that part of her territory claimed to belong to the Territory of Michigan. AND WHEREAS, the civil and military elections under the laws of Ohio have taken place throughout the disputed territory, and the organization under the same is now in all respects complete. AND WHEREAS, this Legislature considers the right of the State to the disputed territory as clear and perfect, as her right to any other part of her territory lying within her

admitted limits. And Whereas, great and lawless outrages have been perpetrated by the authorities of Michigan upon the citizens of the disputed territory, for recognizing the laws and rightful jurisdiction of the State within whose limits they reside. And Whereas, this Legislature feels bound to protect said citizens from a repetition of such outrages. Yet, as the President of the United States, acting through the Hon. Richard Rush and Benjamin C. Howard, Commissioners on the part of the President, and his Excellency, the Governor of this State, entered into an arrangement on the 7th day of April last, having for its object the temporary adjustment of the difficulties appertaining to the possession of, and jurisdiction over, the said disputed territory, the terms and provisions of which arrangement were as follows, viz: 1. That Harris' line should be run and re-marked, pursuant to the act of the last session of the Legislature of Ohio, without interruption. 2. The civil elections under the laws of Ohio having taken place throughout the disputed territory, that the people residing upon it should be left to their own government, obeying the one jurisdiction or the other, as they may prefer, without molestation from the authorities of Ohio or Michigan, until after the close of the next session of Congress. And Whereas, the Legislature is willing, from a desire to preserve the public peace and harmony, to observe the stipulations of the arrangement aforesaid: *Provided*, Its observance on the part of Michigan be compelled by the United States, and the proceedings of Michigan in violation of that agreement be immediately discontinued and annulled. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That his Excellency, the Governor, be, and he is hereby, requested to observe and comply with the terms of the arrangement entered into on the 7th day of April last, by and between the President of the United States, acting through the Hon. Richard Rush and Benjamin C. Howard, Commissioners duly appointed by the President of the United States, and his Excellency, the Governor of this State; and if all the terms and stipulations of said arrangement shall be faithfully observed on the part of the United States, and all bonds and recognizances taken, and all prosecutions and indictments commenced underthe act of the Legislative Council of Michigan of the 12th of February, A. D. 1835, shall be immediately discharged, annulled and discontinued—then and in that case, the action and operation of all laws and parts of laws of this State, inconsistent with the terms of said arrangement, is hereby suspended until after the close of the next session of Congress.

Sec. 2. That if the United States, or the authorities of Michigan, acting under the United States, shall, within the time specified in said arrangement, do any act inconsistent with the terms thereof; or, if said bonds, recognizances, indictments and prosecutions, shall not be immediately discharged, discontinued and annulled, as aforesaid, then this act to be null and void.

Sec. 3. That the Governor of this State be, and he is hereby, authorized and required to issue his Proclamation, whenever, in his opinion,

the terms and stipulations of said arrangement have been violated, declaring such to be the fact; and from and after the date of such Proclamation, the suspension of all laws and parts of laws, aforesaid, shall cease and determine.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

AN ACT

To prevent the Forcible Abduction of the Citizens of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person or persons, who shall kidnap, or forcibly or fraudulently carry off, or decoy out of this State, any white person or persons; or shall arrest and imprison any white person or persons, with an intention of having such person or persons carried out of the State, unless it be in pursuance of the laws thereof; and shall be thereof duly convicted by indictment in the Court of Common Pleas, in any county of this State, shall be deemed guilty of a misdemeanor; and shall be confined in the Penitentiary at hard labor, for any space of time not less than three nor more than seven years, at the discretion of the Court; and shall, moreover, be liable for the costs of prosecution.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19th, 1835.

AN ACT

To erect the county of Lucas.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the counties of Sandusky, Wood and Henry, as comes within the following boundaries, be, and the same is hereby erected a separate county, which shall be known by the name of Lucas, to wit: Beginning at a point on Lake Erie, where the line commonly called Fulton's line intersects the same; thence due west, with said Fulton's line, to the Maumee river; thence, in a south-westerly direction with the said river, to a point where the township line between township six and seven of said counties, if drawn and continued across the twelve mile square Reservation, would necessarily intersect the same; thence, due west, with the said township line to the county line between the counties of Henry and Williams; thence north, with said county line to the Nor-

thern Boundary line of the State, called Harris's line; thence, in an easterly direction with said line, to Lake Erie; and thence, with the said Lake, to the place of beginning.

Sec. 2. That all suits or actions, whether of a civil or criminal nature, which shall be pending within the limits of those parts of the counties of Sandusky, Wood and Henry, so to be set off and erected into a new county, previous to the organization of said county of Lucas, shall be prosecuted to final judgment and execution within said counties of Sandusky, Wood and Henry, in the same manner as they would have been if the said county of Lucas had not been erected; and the sheriffs, coroners and constables of the counties of Sandusky, Wood and Henry, shall execute all such processes as shall be necessary to carry into effect such suits, prosecutions and judgments; and the collector of taxes for the said counties, shall collect all such taxes as shall have been levied and unpaid within the parts of the aforesaid counties previous to the taking effect of this act.

Sec. 3. That all justices of the peace within those parts of the counties of Sandusky, Wood and Henry, which by this act shall be erected into a new county, shall continue to exercise the duties of their office until their term of service expires, in the same manner as if they had been commissioned for the county of Lucas.

Sec. 4. That on the second Tuesday of October next, the legal voters residing within the county of Lucas shall assemble within their respective townships, at the usual place of holding elections, and shall proceed to elect their different county officers; who shall hold their offices until the next annual election, and until their successors are elected and qualified: *Provided*, That if the Governor's proclamation shall be issued before the second Tuesday in October, in accordance with the provisions of an act, entitled "An act accepting certain propositions made by the Commissioners appointed by the President of the United States, relative to the Northern Boundary of this State," then, and in that case, the election aforesaid shall take place on the second Tuesday subsequent to the date of said proclamation; and the officers thus elected shall hold their respective appointments until the annual election, and until their successors are chosen and qualified.

Sec. 5. That the Court of said county shall be holden at any convenient house in the town of Toledo, until the permanent seat of justice for the said county of Lucas be established.

Sec. 6. That Commissioners shall be appointed, agreeably to an act, entitled "An act for the establishment of seats of justice," to fix upon a permanent seat of justice for the said county of Lucas, and make report thereof to the Court of Common Pleas in and for said county, agreeably to the provisions of the above recited act.

Sec. 7. That the said county of Lucas, when organized, shall be attached to the second judicial circuit; and the Court of Common Pleas in said county shall be holden on the first Monday of September next.

Sec. 8. That the said county of Lucas shall be attached to, and vote with the counties of Dark, Shelby, Mercer, Allen, Van Wert, Putnam, Henry, Wood and Williams, in the election of a Representative to the

General Assembly of the State, and with the aforesaid counties and the county of Miami, in the election of a Senator to the same. The abstract of votes given for Senator, in the said county of Lucas, shall be transmitted to the clerk of the Court of Common Pleas of Miami county; and the abstract of votes given for Representative in said county of Lucas, shall be transmitted to the clerk of the Court of Common Pleas of Dark county.

Sec. 9. That in the election of Representative to the Congress of the United States, the said county of Lucas shall be attached to the third Congressional district.

Sec. 10. That nothing in this act contained shall be so construed as to be inconsistent with the provisons of an act, entitled "An act accepting certain propositions made by the Commissioners appointed by the President of the United States."

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

AN ACT

Making appropriation to defray the expense of carrying into effect the laws in regard to the Northern Boundary.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of three hundred thousand dollars is hereby appropriated, to be paid out of the Treasury, on the order of the Auditor of State, to the Governor, for the purpose of defraying the expense of carrying into effect the laws in regard to the Northern Boundary.

Sec. 2. That the money by this act appropriated, shall be subject to the control and direction of the Governor, in order that the same be by him disbursed, for the purposes of carrying into execution the laws in regard to the Northern Boundary, if, in his opinion, such disbursement become necessary for the object aforesaid.

Sec. 3. That the Governor be, and he is hereby required to make a specific and detailed report, by message, to the next General Assembly, of his doings under and by virtue of this act.

Sec. 4. That the money arising from the sale of school lands, now in the Treasury, or that may hereafter be paid into the Treasury of State, on or before the fifteenth day of January next, shall be, by the Auditor and Treasurer of State, transferred and charged to the General Revenue, and audited to said School Fund, in the same manner as if paid over to the Fund Commissioners.

Sec. 5. That the Governor of this State, be, and he is hereby authorized, if he should deem it necessary, to borrow, on the credit of the State of Ohio, any sum of money, not exceeding three hundred thousand dollars, for any period of time, not exceeding one year, from the first day of Jan. 1836, at a rate of interest not exceeding six per cent. per annum.

Sec. 6. That the Commissioners of the Canal Fund be, and they are hereby authorized to loan the Sinking Fund set apart for the final redemption of the principal sums borrowed under the provisions of the "Act providing for the Internal Improvement of the State of Ohio by navigable Canals;" and also, any surplus fund paid over to the said Commissioners, for Canal purposes, that now is, or may hereafter be thus available, to the State of Ohio, in the same manner as is provided under the "Act to provide for loaning the Sinking and Surplus Fund," passed March 7th, 1835.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19th, 1835.

AN ACT

Supplementary to the Act in relation to the Lunatic Asylum.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the second section of the act, entitled "An act providing for the erection of the Lunatic Asylum," passed March 7th, 1835, as provides that the site to be purchased for an Asylum, shall not be nearer the city of Columbus than one mile, be, and the same is hereby repealed: *Provided*, That the site shall not be within the bounds of the in-lots of the city of Columbus.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 16, 1835.

AN ACT

Making an appropriation to defray the expenses of the extra session of the General Assembly for the year 1835, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums are hereby appropriated, to be paid out of the Treasury, on the order of the Auditor of State, to defray the expenses of the Government, for the year one thousand eight hundred and thirty-five, in addition to the sums heretofore appropriated for said year:

For the payment of the members of the General Assembly, their Clerks, Sergeant-at-Arms and Assistant Door Keepers, a sum not exceeding ten thousand dollars;

For the State Printer, for his services to the State, a sum not exceeding five hundred dollars, in addition to the sum heretofore appropriated;

For the Contingent Fund of the Secretary of State, a sum not exceeding five hundred dollars;

For the purchase of paper for the use of the State, a sum not exceeding three thousand five hundred dollars;

To Conrad Heyl, for repairs done to the State House, twenty dollars and fifty cents;

To A. Pinney, for mending and laying down carpets in the Senate Chamber and Hall of the House of Representatives, sixteen dollars;

To David and Milton Barrett, each the sum of seven dollars and fifty cents;

To Jacob Overdear, ten dollars;

For the payment of the officers and soldiers of the Ohio Militia, by the Governor of the State, detailed as a guard to the Commissioners appointed to run the Northern Boundary line of this State, a sum not exceeding two thousand dollars.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

RESOLUTION

Authorizing the distribution of certain Documents, and for the payment of their postage.

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be authorized and required to forward to each member of the General Assembly his proportion of all reports and other documents, as may be printed by order of the General Assembly, and not ready for delivery at the end of this session of the Legislature; and that he pay the postage on the same, out of his contingent fund.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 18, 1835.

RESOLUTION

Directing the Canal Commissioners to cause a certain survey and estimate to be made.

Resolved by the General Assembly of the State of Ohio, That the Board of Canal Commissioners be, and they are hereby authorized and required, to cause the necessary survey and estimate to be made of a Canal or Rail Road, commencing at or near where the Sandy and Beaver Canal intersects the Ohio Canal; and running thence, westward, through Wooster, in Wayne county; thence through Mansfield, in Richland county, &c. agreeably to the act of incorporation of March 7th, 1835, incorporating the Ohio, Wayne, Richland and Crawford Canal and Rail Road Company; and that they report its practicability and expense to the next General Assembly.

JOHN M. CREED,
Speaker of the House of Representatives
DAVID T. DISNEY,
Speaker of the Senate.

June 16, 1835.

RESOLUTION

In relation to printing ten thousand copies of the Report of the Select Joint Committee.

Resolved by the General Assembly of the State of Ohio, That ten thousand copies of the Report of the Select Joint Committee, be printed for the use of the members of this General Assembly.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 18, 1835.

RESOLUTION

Providing for the payment of Assistant Door-Keepers at the extra session of the General Assembly for 1835.

Resolved by the General Assembly of the State of Ohio, That the Assistant Door-Keepers be, and they are hereby, allowed for their services during this extra session of the General Assembly, two dollars each per day.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19, 1835.

PREAMBLE AND RESOLUTION

In relation to the imprisonment of Jonathan E. Fletcher.

Whereas, Jonathan E. Fletcher, a citizen of Ohio, has been unlawfully arrested and imprisoned by the authorities of Michigan, while peaceably acting under the laws of this State as an assistant of the Commissioners appointed by the Governor to re-mark the Northern Boundary line of the State.

And whereas, it is the duty of the Legislature to protect the said Jonathan E. Fletcher: Therefore,

Resolved by the General Assembly of the State of Ohio, That the Governor be, and he is hereby authorized and required, to cause those concerned in the arrest and imprisonment of the said Jonathan E. Fletcher to be prosecuted, in order to their conviction and punishment, and that the Governor take all lawful measures to procure the enlargement of the said Jonathan E. Fletcher.

And Resolved further, That the Governor be, and he is hereby authorized and required, to defray the expenses of said prosecution, as far as

may be necessary, out of his contingent fund; and also, out of said fund, to defray the necessary expenses incurred by the said Jonathan E. Fletcher while under arrest as aforesaid, and to make him such further liberal compensation, as in his opinion may be expedient.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19, 1835.

RESOLUTION

Providing for the pay of the commissioned and non-commissioned officers, musicians and privates, &c.

Resolved by the Senate and House of Representatives, That each commissioned and non-commissioned officer, musician and private, called out by the order of the Governor, from Sandusky, Seneca and Hancock counties, to guard the Commissioners appointed to run the Northern Boundary line of the State of Ohio, pursuant to an act of the last General Assembly, entitled "An act defining the Northern Boundary of certain counties within this State, and for other purposes," passed Feb. 23, 1835, be, and they are hereby entitled to receive such pay as the officers and soldiers in the U. States army, are entitled to; to be audited by the Paymaster General of the Ohio Militia.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19, 1835.

RESOLUTION

Providing for adjournment.

Resolved by the General Assembly of the State of Ohio, That both branches of this Legislature shall adjourn without day, on Saturday, the 20th of June, inst.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 19, 1835.

RESOLUTION

Authorizing the Secretary of State to employ the Sergeant-at-Arms of the House of Representatives to perform certain duties.

Resolved by the General Assembly of the State of Ohio, That the Secretary of State, be, and he is hereby, authorized to employ the Sergeant-at-Arms of the House of Representatives, to assist him in preparing for transmission to the members of this General Assembly, the documents heretofore ordered to be transmitted to them; and to allow a reasonable compensation for the same, to be paid out of his contingent fund.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

RESOLUTION

For the payment of Daniel Kerr, for certain services.

Resolved by the General Assembly of the State of Ohio, That the Treasurer of State, be, and he is hereby, authorized to pay the audited bill of Daniel Kerr, for selecting School Lands for the Connecticut Western Reserve, out of the General Fund of the State, and charge the same over to said Western Reserve School Fund.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

RESOLUTION

Requiring the Governor to transmit to the President and Heads of Departments of the General Government a copy of his Message, &c.

Resolved by the General Assembly of the State of Ohio, That his Excellency, the Governor, be, and he hereby is requested to transmit to the President of the United States, and Heads of Department of the General Government; to the Governor of each of the States of the Union; and to each of the Senators and Representatives in Congress of the United States, a copy of his Message and accompanying Documents, to the present General Assembly, together with a copy of the Report of the Joint Select Committee, and such other documents as he may deem expedient, on the subject; and that the Sergeant-at-Arms be instructed to

leave at the disposal of the Governor, a sufficient number of the copies already ordered to be printed, to enable him to carry into effect the object of this resolution.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20th, 1835.

RESOLUTION

Providing for the distribution of the laws, resolutions and journals of the special session of the General Assembly, 1835.

Resolved by the General Assembly of the State of Ohio, That the same number of copies of the laws, resolutions and journals of this session of the General Assembly, that was distributed last year, to the different counties within this State, shall be, by the Secretary of State, distributed; the expenses of which shall be paid out of the unexpended balances made for the distribution of the laws and journals of the last session of the General Assembly.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

RESOLUTION

Authorizing the Paymaster General to audit the account of John Walker, for cartouch boxes furnished the State.

Resolved by the General Assembly of the State of Ohio, That the Paymaster General of the Ohio Militia, be, and he is hereby authorized to audit the account of John Walker, for cartouch boxes furnished the State, at the time that the Governor detailed a guard to the Commissioners for running the Northern Boundary line of this State; and certify the amount which he paid out of the appropriation made for the payment of the officers and soldiers on that duty.

JOHN M. CREED,
Speaker of the House of Representatives.
DAVID T. DISNEY,
Speaker of the Senate.

June 20, 1835.

SECRETARY OF STATE'S OFFICE,
Columbus, June 22, 1835.

I certify that the foregoing Acts and Resolutions are correct copies from the original rolls remaining on file in this office.

B. HINKSON,
Secretary of State

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